



Posted: Friday, February 23, 2018

## NOTICE AND CALL OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on  
**WEDNESDAY, FEBRUARY 28<sup>TH</sup> 2018, at 6:00 PM**  
In the Trinidad Town Hall, 409 Trinity Street, Trinidad, CA

### CLOSED SESSION BEGINS AT 5:00PM

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. PUBLIC COMMENT ON CLOSED SESSION AGENDA

*At this time, members of the public may only comment on an item appearing on the agenda. Please adhere to the following when addressing the Council: 1) Individual comments will be limited to 3 minutes or less, and 2) Comments should be directed to the Council as a whole and not directed to individual Council Members.*

- IV. ADJOURN TO CLOSED SESSION

- 1. Conference with legal counsel regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)

- V. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT

- VI. APPROVAL OF AGENDA

- VII. APPROVAL OF MINUTES – 01-17-18 scc, 01-24-18 cc2, 01-30-18 scc

- VIII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS

- IX. STAFF REPORTS

- X. ITEMS FROM THE FLOOR

*At this time, members of the public may comment on items NOT appearing on the agenda. Individual comments will be limited to 3 minutes or less. Comments should be directed to the Council as a whole and not to individual Council Members or staff. Council and staff responses will be minimal for non-agenda items.*

- XI. CONSENT AGENDA

- 1. Short-Term Rental Status Report
  - 2. View Restoration Request on Van Wycke Street.

- XII. DISCUSSION/ACTION AGENDA ITEMS

- 1. Presentation/Discussion regarding the Trinidad Rancheria Hwy 101 Interchange Project
  - 2. Discussion/Decision regarding Resolution 2018-01; formalizing principles of cooperation and communication with the Yurok people and the governments that represent them.
  - 3. Discussion/Decision regarding Resolution 2018-03; In support of the Healthy California Act, CA SB 562, Establishing Universal Single-Payer Health Care Coverage program and Cost Control System.
  - 4. Discussion/Decision regarding First Reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.
  - 5. Discussion/Decision regarding Appointing an Ad-hoc Council Committee to Develop a Trinidad City Council Policies and Procedures Manual

- XIII. FUTURE AGENDA ITEMS

- XIV. ADJOURNMENT

APPROVAL OF MINUTES FOR:

JANUARY 17, 2018, SCC  
JANUARY 24, 2018, CC2  
JANUARY 30, 2018 SCC

Supporting Documentation follows with: 7 PAGES

*Minutes for the following dates still pending:*

- 10-30-17 scc closed
- 11/15/17 scc closed
- 11/29/17 scc closed
- 02/13/18 scc
- 02/15/18 scc

**MINUTES OF THE SPECIAL CLOSED SESSION MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JANUARY 17, 2018**

**I. CALL TO ORDER**

- Mayor Rotwein called the meeting to order at 9:30am. Council members in attendance: Ladwig, Miller, Baker, Rotwein. West was absent.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEM**

*At this time, members of the public may only comment on an item appearing on the agenda. Please adhere to the following when addressing the Council:*

- Individual comments will be limited to 3 minutes or less.
- Comments should be directed to the Council as a whole and not directed to individual Council Members.

Public comments included:

**Jessica Taggart:** Expressed concern for regular meeting cancelation and accused the Council of limiting public speaking opportunities.

**Thomas Joseph III:** Expressed great concern with the Tsurai movement, requested better dialog between the City and indigenous people, suggested that the Council show goodwill in their actions as well as words, and stated he will be looking into past actions of the Council.

**Margaret Stofsky:** Questions about the purpose of this closed session meeting, and about public perception of the City.

Council comments included:

**Miller:** The Council is listening to all public comments, but is bound by Federal and State laws regarding how and when it conduct business in open and closed sessions.

**Baker:** Clarified the closed session meeting format and process.

**IV. ADJOURN TO CLOSED SESSION**

1. Conference with legal counsel regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)

**IV. RECONVENE TO OPEN SESSION & CLOSED SESSION REPORT**

No action taken in Closed Session regarding litigation. Council intends to move forward with Tribal Governments and the Civic Club working together to clean up the Trinity & Edwards site. An item will be brought to the Council at the January 24 meeting concerning stakeholder cooperation and the public is invited to attend and participate in the discussion.

**XII. ADJOURNMENT**

Meeting adjourned at 11:30am.

**Submitted by:**

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

**Approved by:**

\_\_\_\_\_  
**Susan Rotwein**  
Mayor

**MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, JANUARY 24, 2018**

**I. CALL TO ORDER**

Mayor Rotwein called the meeting to order at 6:00 pm. Council members in attendance: West, Ladwig, Rotwein, Miller, Baker. City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. CLOSED SESSION – *No closed session.***

**IV. CLOSED SESSION REPORT – *No closed session.***

**V. APPROVAL OF AGENDA**

*Motion (Miller/West) to approve the agenda as written. Passed unanimously.*

**VI. APPROVAL OF MINUTES – 12-13-17 cc**

*Motion (West/Ladwig) to approve the minutes as corrected. Passed unanimously.*

**VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS**

**West:** HCAOG – Continued discussion regarding Little River Trail project.

**Baker:** Alternate Ladwig will be taking over Baker's position as primary committee rep.

**Miller:** RCEA – Biomass contract with Green Diamond, types of energy and how it's produced, and wind energy grant discussion.

**Rotwein:** Trinidad Trails Committee will be recommending that the City consider reversing the no dogs on Trinidad Head policy. Meeting with the Rancheria regarding the Galindo Street Trail, Tsunami Siren. Asking the County to prohibit commercial grows in the surrounding watershed. Met with State Lands Commission representative regarding the Harbor Lease. Measure Z applications are due in January.

**Ladwig:** HTA – recognized a person honored for saving someone from a burning vehicle.  
RREDC – United Airlines offering a direct flight to LA.

**VIII. STAFF REPORTS**

City Manager Berman's written staff report was included in the packet. Various highlights included 1) Thanked the Trinidad Rancheria for offering the space and solution to relocate the Civic Club Memorial Lighthouse until a permanent location is determined, 2) Luffenholtz Creek flow monitor installed and collecting data, 3) The City has reached out to the Trinidad Rancheria & Yurok Tribe to gather information on cultural resources that may be located within the Galindo Trail area. A meeting scheduled with BIA representatives was canceled due to a government shut down and will be rescheduled sometime in February, 4) A letter was sent to the County as authorized by the Council regarding cannabis cultivation in the Trinidad planning area.

**IX. PROCLAMATIONS and RECOGNITIONS**

**1. Proclamation 2018-01 in support of declaring February 18, 2018 as Engineer's Week.**

*Motion (Miller/West) to approve the Proclamation. Passed unanimously.*

**2. Resolution 2018-02: Acknowledging the Exemplary Service of Building Official John Roberts.**

*Motion (Ladwig/Baker) to approve the Resolution. Passed unanimously.*

**X. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Dorothy Cox - Trinidad**

1) Unsatisfied with the lack of communication by the City Manager, 2) there are no meetings from recent special closed session meetings, 3) has not received a response to a records request from October 27, 4) at least 10 requests/complaints are not resolved, 5) I was told I needed to use a city complaint form for complaints, 6) what are new Sheriff Deputy Cumbow's hours, and 7) received an email response from City Manager Berman tonight at 5:35pm.



## **XI. CONSENT AGENDA**

1. Staff Activity Report for December 2017
2. Financial Status November 2017

*Motion (Baker/Miller) to approve consent agenda as submitted. Passed unanimously.*

## **X. DISCUSSION/ACTION AGENDA ITEMS**

1. Introduce new part-time Trinidad Deputy Nathan (Nate) Cumbow, and Consider Amendment to Agreement with Humboldt County Sheriff's Office for additional ½ time Deputy.

City Manager Berman explained that the City has been awarded Measure Z grant funding to support additional law enforcement services through our contract with the Humboldt County Sheriff's Office (HCSO). The City's intent has been to utilize those funds to support an additional Trinidad Deputy, however staffing challenges at the HCSO have not made that possible until now. Deputy Nathan (Nate) Cumbow has been assigned to work two days a week in Trinidad, and the other two in the City of Blue Lake. (Deputies typically work four 10-hour days per week) This will result in a dedicated Trinidad deputy on duty six days of the week, instead of the current four days a week. The action item before the Council is to approve and authorize signatures on an amendment to our existing Contract with the HCSO. This amendment increases the contract amount by \$75,000 to reflect the cost of the additional half time deputy. This is the same amount as our Measure Z grant. The Amendment is attached.

**HCSO Sergeant Kevin Miller** introduced Deputy Nate Cumbow. Schedule will be Sunday and Monday, 10am-8pm.

There was no public comment.

The Council thanked and welcomed Deputy Cumbow.

*Motion (Miller/Ladwig) to approve and authorize signatures on the First Amendment to Agreement to Provide Law Enforcement Services Within the City of Trinidad. Passed unanimously.*

2. Consider Draft Resolution 2018-01 formalizing principles of cooperation and communication with the Yurok people and the governments that represent them.

City Manager Berman began the discussion by introducing an email received from the Yurok Tribe shortly after 4:00pm today requesting the City table this resolution, citing the "Tribal Council's deep concerns about the language negatively impacting the Yurok Tribe's federally protected rights...", and "requesting a meeting with Council representatives as soon as possible."

Public comment included:

**Javier Kinney** – Yurok Tribe Director of Self-Governance

Asked when the Tribe was first made aware of this Resolution, and read aloud the full email written by Tribal Chairman O'Rourke requesting that the Resolution be tabled to a future meeting. The Yurok Tribe is looking forward to improved communication with the City. Explained 2x2 meetings, suggested that the Brown Act does not hinder communication between governments, and shared a flyer inviting lineal decedents of Tsurai to a meeting on February 01, 2018.

**Zack Brown** – Trinidad Rancheria Tribal Councilmember

The Trinidad Rancheria supports the Resolution as written. We would also like to be part of the requested government-to-government consultation meetings. We work hand-in-hand with all Yurok people.

Council comments included:

**Baker:** We would also like to consult with the Tribes, but it must be understood how the Brown Act can restrain our ability to communicate under certain circumstances.

**Miller:** To respect the Tribal Chairman's request, I support tabling the Resolution until we can hear their input. The Resolution wording is very positive, and I support it, but agree that consultation should occur since it affects multiple groups.

**West:** I'm in favor of improved communication and welcome feedback from others as to how we're not meeting expectations.

**Ladwig:** I'll echo my fellow Councilmember's comments, and appreciate the results of our collaborative discussions.

**Rotwein:** The Resolution is intended to move forward in a positive way and set a policy for the City to follow.

*By consensus, the Council agreed to table the Resolution as requested by the Yurok Tribal Chairman.*

3. Consider Trails Committee Recommendation Re: Dogs on Trinidad Head.

City Manager Berman explained that the current City Code prohibits dogs on Trinidad Head. This was a part of the original 1983 Ordinance establishing rules for the use of the Trinidad Head property when the City was granted ownership of most of the Head. This rule has not been enforced in recent years, if ever. Signage on the trail indicates dogs are allowed on leash, and the City maintains a 'doggie bag' dispenser.

The Trinidad Head Trails Committee has reviewed this situation and recommends that the City modify the existing ordinance to allow dogs on leash on the Trinidad Head trail. This would be consistent with the current regular use of the Trinidad Head Trails, and is therefore not anticipated to result in any change in impact or use of the Head. Implementing this recommendation would involve amending the existing Ordinance. If directed to proceed by Council, Staff would return to a future meeting with a revised Ordinance for consideration by the Council.

Public comment included:

**Javier Kenny** - Yurok Tribe Director of Self-Governance

I was unaware that this item was on the agenda. I support NO dogs on Trinidad Head. The Yurok people have history of prayer on the Head, and why would anyone allow a dog to defecate in their church? To allow this to go forward would be disrespectful. This lack of understanding is why I have to be here tonight to express these concerns.

**Zack Brown** – Trinidad Rancheria Tribal Councilmember

I'm on the Trails Committee and supported this recommendation. I learned from our elders that dogs were beloved animals and were one of the only animals that were allowed to go anywhere. The Rancheria supports amending the Resolution to allow dogs on Trinidad Head.

There was no Council comment.

*Motion (Miller/Baker) to direct staff to modify and bring back a draft Ordinance that allows Dogs on Trinidad Head, and welcomed the Yurok Tribe to provide comments to the City prior to final approval. **Passed unanimously.***

XI. **FUTURE AGENDA ITEMS:**

**Miller:** Single Payer Healthcare Issue

**Baker:** Want a response to go out to Chairman O'Rourke regarding 02/06/18 TMT meeting, and requested an agenda item regarding composition of TMT.

**Rotwein:** Allocation of Occupancy Tax.

**West:** Little River Trail endorsement.

XII. **ADJOURNMENT: 7:15 pm**

**Submitted by:**

**Gabriel Adams**  
Trinidad City Clerk

**Approved by:**

**Susan Rotwein**  
Mayor

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL**  
**TUESDAY, JANUARY 30, 2018**

**I. CALL TO ORDER**

- Mayor Rotwein called the meeting to order at 6:00pm. Council members in attendance: West, Ladwig, Miller, Baker, Rotwein.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURN TO CLOSED SESSION**

1. Public Employee Performance Evaluation for City Manager Pursuant to Government Code Section 54957

**IV. CLOSED SESSION REPORT – *Nothing to report***

**V. APPROVAL OF AGENDA**

*Motion (Baker/West) to approve the agenda. **Passed 3-0.** Ladwig and Rotwein recused themselves from the discussion.*

**VI. ITEMS FROM THE FLOOR**

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*

**Dorothy Cox – Trinidad**

Requested that the 2 letters submitted by residents Kathleen Lake and Jacques BeauPre be entered into the public record, related to tonight's agenda item.

**Alan Grau – Trinidad**

Is the City requiring and enforcing the meet and greet policy for STR's?

**VII. CONSENT AGENDA – *No consent items.***

**VIII. DISCUSSION/ACTION AGENDA ITEMS**

1. Reinman/RCVR Appeal of Planning Commission's decision on November 15, 2017, that a significant violation occurred pursuant to §17.56.190.R of the City's Short Term Rental (STR) Ordinance at the STR known as Paloma Creek Lodge. The complaint/violation, which occurred on July 22-23, 2017, was related to noise standards, visitor and occupancy restrictions, emergency contact response and the required guest registry. Located at 178 Parker Creek Road; APN: 042-063-38.

City Manager Berman explained that the initial complaint, investigation file, and staff determination were included in the meeting packet prepared for the Planning Commission when they heard the initial appeal of staff's determination. The minutes of that Planning Commission hearing were also included in the meeting packet for the Council.

City Planner Trever Parker explained that the Planning Commission held a hearing on the appeal at their regularly scheduled monthly meeting of November 15, 2017. All four Commissioners were present, along with City Manager Berman, and City Planner Parker. The Planning Commission received a staff report and then took public comment. After deliberation, the Planning Commission voted 3-1, (Commissioner Graves opposed) to modify the City Manager's determination by removing the \$200 fine, but denied the rest of the appeal and upheld the City Manager's significance determination. Staff's understanding is that the Planning Commission eliminated the fine due to the uncertainty arising from conflicting testimony about some of the events of that evening. Different parties presented somewhat different versions of what happened. The significance determination was upheld mainly based on §17.56.190.R.6 of the STR ordinance, which provides examples of significant violations. The Planning Commission found that at least two of those examples were met in this case (i and iii, and possibly ix), justifying the staff determination that a significant violation occurred.

At this point, the City Council has four basic options: (1) uphold the Planning Commission's determination that a significant violation occurred, but the fine amount of \$200 was not justified; (2) modify the decision, such as

by removing the "significant" determination and/or reinstating or altering the fine amount; (3) uphold the appeal by eliminating the "significant" determination; or (4) continuing the hearing in order to request additional information. In making your decision, the City Council should consider not just what their determination would be in this instance, but whether the Planning Commission's decision was reasonable in light of the STR Ordinance and supported by the available evidence.

Public comment included:

**Bert Kilborne – Trinidad**

I'm the live-in caretaker at 178 Parker Creek Drive. I'm usually onsite before quiet hours begin at 10:00pm. I arrived at approximately 10:30pm that night, and my house is the same distance from the main house as Mr. BeauPre's house is from it. I heard the dog barking as I walked from my car to my cabin. A half-hour later, I heard the dog barking for a few minutes, but it ended quickly for good. Since that incident I've reached out to the neighbors and encouraged direct communication. We've installed cameras and other innovative systems that monitor the number of individuals at the home. We also perform detailed meet and greets with all guests upon arrival. We realize the importance of doing it right and prioritize the process. This is a very quiet neighborhood. I've reached out to Jack BeauPre on numerous occasions. I got the impression he has felt offended and discredited, but I want to help him. Noise issues are minimal and inconsistent at this property. When Mr. BeauPre phones the property manager about an issue, it's resolved immediately.

**Dorothy Cox – Trinidad**

Read a letter from 178 Parker Creek neighbor Jack BeauPre standing by his complaint that triggered this violation.

**Alan Grau – Trinidad**

I understand how Jacque BeauPre feels. Neighbors are changing constantly.

**Mike Reinman – Owner, 178 Parker Creek**

Thanked the Council for considering his appeal, and listed the following points challenging the violation;

1. We responded to the complaint within 2 minutes of receiving the call. The ordinance calls for a response within 30 minutes.
2. Regarding ex-parte communication, I spoke with Councilmember West about this.
3. I'm not happy with how the City Manager and Planner handled this. Their mind was made up from the beginning.
4. The City Manager's letter cited parking, over-occupancy, response time, dogs barking, and lack of guest registry as violations addressed. This booking was secured prior to the new ordinance requiring a guest registry, and the City Manager acknowledged this. They are occupying with a "how can we get him" mentality.
5. I suggest the Council consider a (3) member panel to evaluate these complaints so they can be handled fair and objectively. Going after the management company and taking 5 weeks to address the incident is not ok. We had to withhold the guests deposit while this was being addressed, and were threatened in waiting.
6. We have improved our signage, meet and greet process, hired an on-site caretaker, and employed technology to improve management and oversight of the property. We also hired a 24-hour answering service.
7. I strongly disagree that this was a significant violation.

**Tom Davies – Trinidad**

Glad to hear there are changes being implemented. We have had issues with RCVR before regarding contact numbers. This isn't the first time they have had issues, and the story has a way of changing over time. Withholding the guest's security deposit doesn't help the City at all. Legitimate complaints get bully responses. Jack BeauPre has nothing to gain from having a commercial business in his neighborhood.

**Dorothy Cox – Trinidad**

Jacques did not attend because the City Manager assured him he did not need to. Complained about confusion regarding the contact numbers supplied by the City and RCVR for their 24-hour contact. Supports Jacques BeauPre and believes he is a man of integrity.

**City Planner Parker** stated that the Planning Commission heard similar comments from both parties. The PC also hoped to hear from the complainant – Jacques BeauPre – but he didn't attend that meeting either. It

became a he-said-she-said issue. The PC evaluated the complaint based on the Ordinance language. The response time was met, but only because Beaupre had Reinman's personal cell phone number. There was no guest registry. There were parking and noise violations. The PC focused on the primary issue that the advertised contact number didn't reach the property manager within 30 minutes.

**Richard Johnson** – Planning Commission representative

Moving forward, the PC discussed the merits of having a (3) or more member panel to investigate violation complaints. Tonight's report accurately reflects the PC discussion.

City Manager Berman supported his violation determination with the following points:

1. RCVR failed to have the guest registry.
2. Disagreed with the characterization that he is hunting for issues to support the violation.
3. Grounds for significant violation determinations are clearly defined in the ordinance.
4. This is the second time the City dealt with a violation at this property.
5. This problem has triggered much needed changes – and that is a good thing.
6. Neighbors should be of concern, and it is entirely reasonable for the City to enforce its regulations.

Council comments included:

**West:** This is a sensitive issue. Reinman seems to be taking steps to improve management of the rental. We hope to step back and take a fresh look at this with a fresh perspective in the future, but for now I support upholding the City Manager and Planning Commission's recommendations. We appreciate the changes that have been made.

**Baker:** West and I met with Jack Beaupre. He felt genuinely offended. The violation process goals are to hold rentals accountable and improve the system. Whether Jack Beaupre was here tonight or not won't sway my decision. I agree that an investigation panel would be helpful, but I support the City Manager and PC's decisions.

**Miller:** The City's effort on improving vacation rental management and accountability has been significant. Having a rental next to me is disturbing, but the Coastal Commission says we need them. I tried to get the wording right in the ordinance, but enforcement will continue to be the challenge. Reinman's changes should be applauded, but I also support denying the appeal and upholding the City Manager and PC's decision.

*Motion (Baker/West) to deny the appeal based on the evidence in the file record, the requirements of the STR Ordinance and public testimony, and because the Planning Commission's decision was reasonable and correct. **Passed 3-0. Ladwig & Rotwein recused.***

**XII. ADJOURNMENT**

Meeting adjourned at 11:30am.

**Submitted by:**

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**Gabriel Adams**  
City Clerk

**Approved by:**

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**Dwight Miller**  
Mayor Pro-Tem





## CONSENT AGENDA ITEM 1

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      3 PAGES**

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1. Short-Term Rental Status Report

*Color Version of the attached STR Map will be available in the electronic version of the packet.*

## **CONSENT AGENDA ITEM**

**Date: February 28<sup>th</sup> 2018**

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### **Item: STR Summary Report**

#### **Summary**

The Council requested at the February 15<sup>th</sup> meeting that staff develop a summary STR status report. An initial version of that report is attached. A City Council ad-hoc STR committee is planning to provide a more detailed STR report and recommendations as a discussion agenda item at the March 14th City Council meeting.

#### **Staff Recommendation:**

Staff recommends the Council accept this summary STR status report.

Attachments: STR status report  
STR Map



City of Trinidad

Short Term Rental Status Report

February 2018

Total STR licenses issued since new Ordinance took effect: 27

New STR Licenses (not renewals): 1 – in Commercial zoning

STR licenses pending: 3 (One expected to be issued shortly, two awaiting action by owners)

STR license types

- Full Time STR = 27
- Homeshare STR = 0
- Resident STR = 0

STR licenses by zone (relative to caps)

- |                        |                |  |
|------------------------|----------------|--|
| • Urban Residential:   | 21             | (Cap is 19, but existing licenses allowed to continue) |
| • Suburban Residential | 4 (+2 pending) | (Cap is 6, but existing licenses allowed to continue)  |
| • Commercial           | 2 (+1 pending) | (no Cap)   |

Effects of Ordinance implementation

- Decline in UR zone STRs due to property sales = 3 (one property for sale would make 4)
- Reduction in adult occupancy in UR Zone due to new Ordinance = 26

Complaints

4\* complaints of STR nuisance violations regarding three properties since July 1<sup>st</sup> 2017

- One complaint resolved as 'significant violation' (after appeal to PC and Council)
- Two complaints of over-occupancy at one property – property sold shortly after and is no longer an STR.
- One complaint of over-occupancy based on observed cars resolved as no violation

\*Note – This count does not include complaints unrelated to STR rules, or complaints regarding City decisions in issuing STR licenses, which are primarily around disagreements with staff decisions about second units vs. detached bedrooms)

OWTS Permits and Water Use

All licensed STRs have current OWTS permits. Staff have reviewed 2017 STR water use and confirmed that no STRs exceeded the water use limitations set forth in the Ordinance. The same result was found in 2016 and 2015.

Local Contact Person

Neighboring property owners have received current contact information for all STRs, and that information is also available on the City Website.

## Legend

# STR Licenses 2017/18

★ Parcel Area > 10k SF

Active STR

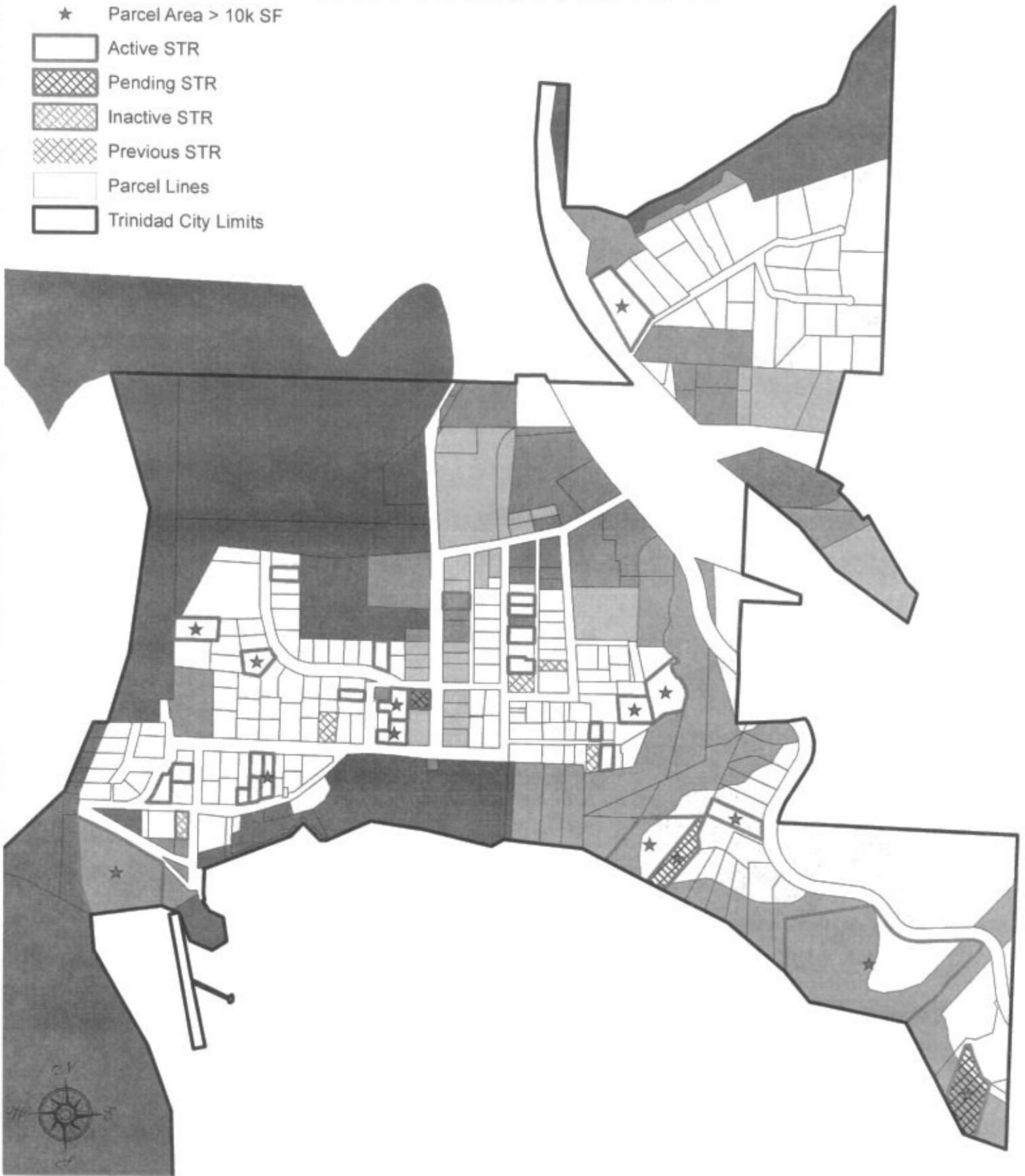
Pending STR

Inactive STR

Previous STR

Parcel Lines

Trinidad City Limits



[www.trinidad.ca.gov](http://www.trinidad.ca.gov)

0 300 600 1,200



1" = 600 feet

2/22/2018

**Streamline**  
Planning Consultants



## CONSENT AGENDA ITEM 2

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      15 PAGES**

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2. View Restoration Request on Van Wycke Street.

## **CONSENT AGENDA ITEM**

Date: Feb 28<sup>th</sup> 2018

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**Item:** Letter authorizing vegetation removal in Van Wycke St. right of way

### **Summary and Recommendation:**

Two clumps of alder trees growing in the Van Wycke St. right of way are impacting the view of the upslope neighbors. This area is within the City's Views and Vegetation Ordinance. The neighbors have asked the City to address the view impacts, and offered to pay for the work. The City has requested and received (attached) 1) a survey map verifying the location of the trees on the street right of way, 2) a letter from an engineering geologist stating that removal will have no significant impact on bluff stability, and 3) a biological assessment addressing environmentally sensitive habitat. Only trees that are less than 12 inches in diameter are being authorized for removal. The trees are likely to be removed eventually as part of the Van Wycke Trail project.

City staff, in consultation with Coastal Commission staff, have determined that as conditioned, this vegetation work does not constitute 'major vegetation removal' and therefore does not require a Coastal Development Permit. Staff have drafted a letter to the neighboring property owners (attached) that would authorize them to go ahead with tree removal and trimming, with specific conditions to minimize impacts. This is within staff's discretionary authority, but given the sensitivity of vegetation management and viewshed protection issues, staff chose to place it on consent to provide the public a chance to comment, and to provide the Council the option to consider the matter further.

### **Staff recommends the Council:**

**Authorize staff to send the attached letter allowing vegetation management for viewshed protection in the Van Wycke Street Right of Way**

### **Attachments:**

1. SHN letter regarding slope stability impacts
2. Survey work map indicating alder locations
3. SHN letter regarding Environmentally Sensitive Habitat Areas
4. Draft City Letter authorizing removal with conditions.

**CITY OF TRINIDAD**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Susan Rotwein, Mayor**



March 1, 2018

Marc Gottschalk  
(address)

RE: Viewshed Protection and Alder trees

Dear Marc,

Thank you for your patience and cooperation in working with the City regarding the alder trees impacting your views and those of your neighbors. The survey you provided from Mike O'Hern confirms their location on the Van Wycke Street right of way, and the geology letter addresses the slope stability issues we have discussed. A biological assessment was performed to determine what permitting, if any, would be needed to address the viewshed issues.

A Coastal Development Permit (CDP) would be required if the project involves "major vegetation removal." Measures used to evaluate whether a project involves 'major vegetation removal' include: (1) impacts to an 'environmentally sensitive habitat area (ESHA); (2) removal of trees over 12" diameter at breast height (DBH); or (3) removal of vegetation over a ground surface area of more than 500 sq. ft.

Based on all this information, City staff have determined that as long as the project adheres to the recommendations in the biological assessment report (described in more detail below), it would not constitute major vegetation removal and can go ahead without a CDP.

The City of Trinidad, by this letter, is authorizing you to go forward with hiring a professional tree service to work on the two clumps of alders impacting your view, **subject to the following conditions:**

1. An onsite meeting with City staff and the tree service is required prior to the commencement of work to review these conditions and confirm the specific scope of work.
2. No ground disturbance is allowed.
3. All work will be done using hand tools (including chain saws) and vegetation disturbance around the alders shall be minimized.

4. All recommendations of the biological assessment for work on the larger group of alders will be followed, including:
  - a. Trees should be felled away from larger shrubs and native *Rubus* dominated areas.
  - b. Felled trees shall be left in place.
  - c. Large branches that could act as perches after felling shall be removed prior to felling.
5. Only trees smaller than 12" DBH may be removed.
6. Pruning of trees larger than 12" DBH shall not be so severe as to negatively affect their long-term health.
7. The City is not approving access or trespass onto adjacent private property.
8. This approval is specific to the two clumps of alders on the City right of way identified in the O'Hern survey and the SHN geology letter.
9. You reimburse the City for the cost of the Biological Assessment and City Planner time spent on this project.

Consistent with the viewshed and vegetation ordinance, the City will allow you, subject to approval from the City Manager, to conduct annual vegetation work to maintain the views restored through this initial viewshed restoration effort.

Please let me know if you have any questions.

Sincerely,

Daniel Berman  
City Manager



Reference: 017029

June 19, 2017

Rachel Duclos  
Marc Gottschalk  
260 Dedalera Drive  
Portola Valley, CA 94028

**Subject: Evaluation of Potential Impacts to Bluff Stability Due to Removal or Management of Alder Trees, 807 Edwards Avenue, Trinidad, California**

Rachel and Marc:

This letter provides the results of our recent site visit to 807 Edwards Avenue in Trinidad, California. The purpose of our visit was to evaluate the potential impacts to bluff stability that may result from the removal or management of alder trees that are growing on the bluff face along the seaward margin of the subject property. We understand that an ongoing discussion is occurring amongst neighbors regarding the appropriateness of management of the alder trees, some of which are impacting the view shed of homes along Edwards Avenue. The scope of our current investigation included reconnaissance of the site and vicinity, interpretation of relevant aerial photographs, and preparation of this letter.

The alder trees that are the subject of this report are approximately identified on the attached aerial photograph (Attachment A) as the two circled areas at the top right of the image. We understand that the majority of those alders are on land owned by the City of Trinidad (the Van Wycke Street right-of-way) as shown on the attached survey (Attachment B).

The existing coastal bluff bordering the property is an unstable slope that is actively failing onto the adjacent beach. The geology of Trinidad consists of a late Pleistocene age marine terrace surface, upon which the town is built, and the underlying bedrock unit, the regional Franciscan Complex. In the Trinidad area, the Franciscan bedrock consists of tectonic mélange, a highly deformed by-product of millions of years of crustal subduction. The material consists of a chaotic mixture of rootless hard rock blocks (of varying sizes, up to and including Trinidad Head), entrained in a sheared, clayey matrix (locally referred to as "blue goo" due to its very low strength and tendency to deform by means of earthflow). The localized stability of any portion of coastal bluff in the Trinidad area is directly dependant on the presence or absence of rock blocks. That is, in the absence of rock blocks, the mélange material is of very low strength, and is highly susceptible to flow-type failures. This is especially true when the bluff toe is eroded by waves, which typically triggers renewed earthflow movement on the overlying bluff face.

Reconnaissance at the site indicates that the bluff directly seaward of 807 Edwards is actively flowing toward the beach. There is ample evidence on the beach of low strength Franciscan mélange oozing onto the beach at the toes of active earthflows. Alder trees on the slope are being actively transported to the beach, where they topple onto the sand as their modest root balls are



exposed. It is apparent (based on the relations visible on the beach) that the depth of sliding is far greater than the penetration of roots associated with these alder trees. The trees appear to have negligible, if any, effect on the stability of the bluff; they appear just to be rafting along with the flowing ground.

Because of the unstable nature of the ground on the bluff, most of the alder trees are small and relatively young. At the time of our site visit, a small alder had recently toppled over just below the site. The single exception is a larger alder tree just east of the site that is growing on top of a rock block (a relatively stable location on the otherwise unstable bluff face).


The alder trees on the bluff face are associated with shallow roots, and they are growing on a deep-seated earthflow (or in the case of the larger alder, on top of a rock block), therefore they are having a negligible effect on the stability of the bluff. As such, we conclude that management (trimming) or removal of individual alder trees will have a negligible, if any, impact on the bluff. This conclusion applies to trees growing on the bluff face seaward of 807 Edwards Avenue. It does not encompass trees elsewhere on the bluff; specifically near the Fulkerson residence, which is situated on the bluff crest. We have not evaluated trees near the Fulkerson residence on the top of the bluff, but we expect that some of these may be in locations that are relevant to the integrity of the bluff crest.

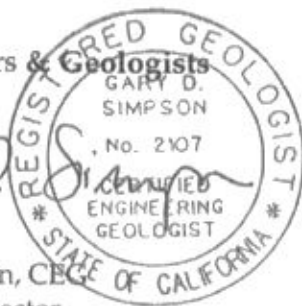
In conclusion, we find no geologic evidence to suggest that removal or management of the alder trees on the bluff face seaward of 807 Edwards Avenue would have any significant impact on the coastal bluff adjacent to the site.

We hope that this letter provides the information that you need at this time. If you have questions, or require clarification of the information presented herein, please call me at 441-8855. We appreciate the opportunity to assist in this important matter.

Respectfully,

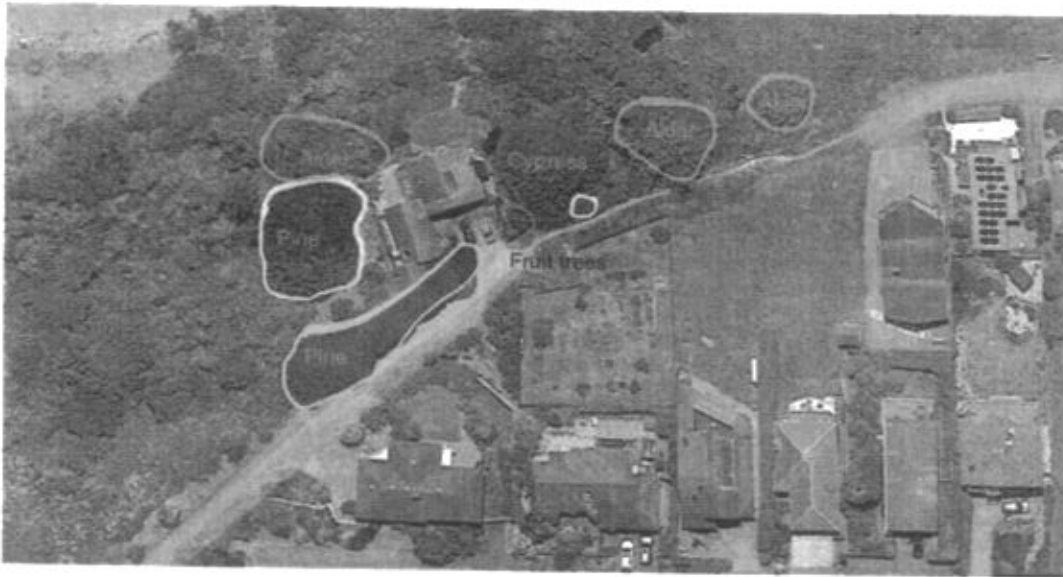
SHN Engineers & Geologists

  
Gary D. Simpson, CEG  
Geosciences Director



GDS:lms

## ATTACHMENT A



- From Van Wycke St. view easement report prepared by Trinidad Tree Service dated November 16, 2016

[illegible]MARC GOTTSCHALK  
A RACHEL DINTOS

includes 24 members from 12 nations within the limits of the City of Montreal.

It is important to note that the results of this study are based on a cross-sectional design, which limits the ability to establish causality. Future research should employ longitudinal designs to better understand the temporal relationships between these variables.

JUDICIAL BRANCH  
STATE OF CALIFORNIA

KELL V. OMMEN ASSOCIATES



Reference: 016105.112

January 23, 2018

Daniel Berman, City Manager

City of Trinidad

P.O. Box 390

Trinidad CA, 95570

**Subject: Environmentally Sensitive Habitat Area, and Tree Removal Assessment**

Dear Daniel Berman,

## Introduction

On January 22, 2018 SHN Engineers & Geologists biologist conducted a site visit to assess potential Environmentally Sensitive Habitat Areas (ESHA) within the vicinity of two small groups of red alder (*Alnus rubra*), and potential impacts from their proposed removal. The two groups of red alder trees are located at 723 Van Wycke St., Trinidad, CA, with an approximate latitude/longitude of 41.0577°, -124.1457°. The proposed project consists of the removal of two small groups of red alder for "view restoration" as these groups of trees were determined to be "unreasonably obstructing views" of 12 neighboring properties.

An evaluation of the ESHA surrounding the trees slated for removal, as well as an assessment of the trees being removed is required by the City of Trinidad, as the trees exist within the City's Right Of Way (ROW). The assessment will be used to determine the level of vegetation disturbance and whether the removal of the trees will require a coastal development permit.

## Site Conditions

Evaluation of current site conditions is based on the January 22, 2018 field visit, aerial data (Google Earth, 2016), and A Manual of California Vegetation (Sawyer, 2009) (see Figure 1).

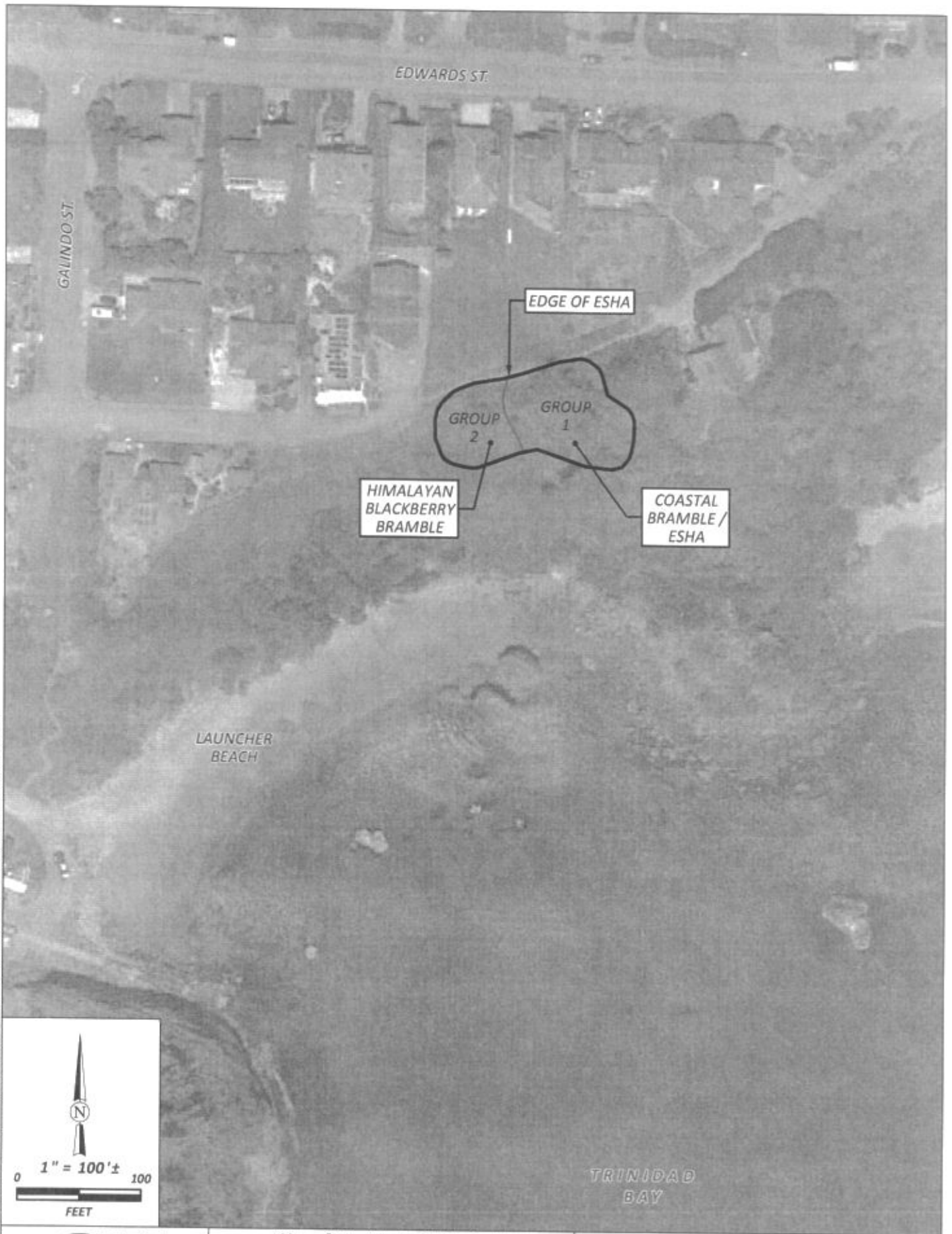
The study area containing the two groups of red alder is located approximately 110 feet from the base of the bluff and edge of the beach, and 15 feet below the top of the bluff slope, the location of the Van Wycke trail. The study area covered approximately 7,254 square feet, which included both groups of trees and a 15-foot buffer around them. The study area is located on a coastal bluff facing south overlooking Trinidad Bay, and is densely vegetated with herbaceous and shrubby plants and scattered wind sculpted trees. The bluff within the study area appeared to be geologically unstable as evidenced by a sinking trail, slump and scarp

**Civil • Environmental • Geotechnical • Surveying**

**Construction Monitoring • Materials Testing**

**Economic Development • Planning & Permitting**

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Consulting Engineers  
& Geologists, Inc.

City of Trinidad - Gottschalk  
Van Wycke Tree Removal ESHA  
Trinidad, California

January 2018

ESHA\_Fig1\_StudyArea

Study Area

SHN 016105.112

Figure 1

formations, and pistoling of red alder trees within the study area. The vegetation composition and results of the site visit are described later in the results section.

The two groups of trees proposed are relatively young to middle-aged, as red alder trees seldom live longer than 100 years in favorable conditions (Niemic, 1995). Each group of trees appeared to originate from a common root system, with each trunk representing an iteration off of the root system, rather than genetically distinct individuals. Trunk sizes ranged from 4.8 inches diameter at breast Height (DBH) to 14.6 inches DBH in Group 1 (eastern most group), and from 3 inches DBH to 6.1 inches DBH in Group 2 (western group). The two groups of trees appeared healthy and stable at the time of the site visit, with bud swelling evident. The root systems of the trees are not proposed for removal as part of this project, and young red alder (typically less than 10 years old) are known to resprout from intact root systems. Based on the larger size and older age of the trees proposed for removal, it is unlikely that they will resprout following removal.

## Methodology

SHN's biologist conducted a site visit to determine the nature of the habitat and vegetation communities surrounding the trees slated for removal. In addition, the two groups of trees were assessed to determine potential impacts that may arise as a result of their removal. The site visit occurred on Monday, January 22, 2018 over the course of one hour. The study area was traversed, dominant species were recorded, and the trunks slated for removal were measured for the DBH. Vegetation communities and the ESHA they comprise were ascertained following the criteria within the Manual of California Vegetation (Sawyer, 2009) based on dominant vegetation and associates. Impacts of tree removal were based on the size of the trees slated for removal, potential habitat services the trees provide, proximity of other red alders, and whether or not the trees would be removed following cutting, or left on site to rot in place.

## Results

The study area is dominated by two very distinct vegetation communities. Group 1, the larger of the red alder tree groups, occurs within the eastern portion of the study area (see Figure 1). This area is dominated by native vegetation that most closely resembles *Rubus* (*parviflorus*, *spectabilis*, *ursinus*) Shrubland Alliance (Coastal brambles). Coastal brambles are characterized by areas with *Rubus parviflorus*, *Rubus spectabilis*, or *Rubus ursinus* as dominant, or with comparable cover, or by areas where *Rubus spectabilis* has greater than 50 percent relative cover within the shrub canopy. The vegetation community adjacent to and under the canopy of Group 1 met the membership parameters for the coastal bramble vegetation community. The two primary dominant species included *Rubus spectabilis* with 40 percent relative cover in the shrub stratum, and *Rubus ursinus* with 35 percent relative cover in the shrub stratum. See Table 1 for all dominant and lesser dominant species and their corresponding percent relative cover and stratum. The coastal bramble vegetation community is considered an important vegetation alliance of the coastal scrub habitat type. Due to its limited cover and occurrence, the coastal bramble vegetation community has a rarity ranking of G4/S3, meaning it is common worldwide, but is somewhat uncommon within the state of California, and is considered ESHA.



## ESHA and Tree Removal Assessment

January 23, 2018

Page 3

Group 2 occurs within the western portion of the study area, approximately 68 feet to the west of Group 1, with approximately 25 feet between the edges of the two group canopies (see Figure 1). The area surrounding Group 2 is dominated by non-native species. This includes Himalayan blackberry (*Rubus armeniacus*) with 65 percent relative cover, and common nasturtium (*Nasturtium officinale*) with 32 percent relative cover. Additional cover was exhibited by non-native species. See Table 1 for all dominant and lesser dominant species and their corresponding percent relative cover and stratum. Non-native species exhibited overwhelming dominance within the vicinity of Group 2, to the exclusion of most native species. Because of the overwhelming presence of non-native species and the high percent relative cover by Himalayan blackberry, the area surrounding Group 2 is not ESHA, and more closely resembles *Rubus armeniacus* Semi-natural Shrubland Stands (Himalayan blackberry brambles). Coastal bluff dominated by Himalayan blackberry represents an opportunity for restoration, as the presence of this species and other non-native species precludes the existence of Special Status Species (SSC) dependent on coastal bluff scrub habitat not available when choked by Himalayan blackberry brambles.

The vegetation community changes from along the eastern edge of the Group 2 red alder canopy. This area marks an abrupt change from Himalayan blackberry brambles to native Coastal scrub (See Figure 1). To the west of this location, Himalayan blackberry brambles extend from the top of slope, adjacent to the Van Wycke trail, to the edge of the bluff cliff, and westward at least 100 feet (not investigated beyond that point). The native coastal brambles extend approximately 150 feet east to a break in slope dominated by a rocky outcrop.

Table 1: Species Dominance		
Stratum	Species	Percent Relative Cover
<b>Group 1</b>		
<b>Shrub Stratum</b>	<i>Rubus spectabilis</i> (Salmonberry)	40%
	<i>Rubus ursinus</i> (California blackberry)	35%
	<i>Sambucus racemosa</i> (red elderberry)	15%
<b>Tree Stratum</b>	<i>Alnus rubra</i> (red alder)	40%
<b>Herb Stratum</b>	<i>Urtica dioica</i> (stinging nettle)	50%
	<i>Hedera helix</i> (English ivy)	21%
	<i>Vinca major</i> (Vinca)	18%
	<i>Polystichum munitum</i> (sword fern)	12%
	<i>Scrophularia californica</i> (bee plant)	5%
	<i>Heracleum maxima</i> (cow parsley)	3%
<b>Group 2</b>		
<b>Shrub Stratum</b>	<i>Rubus armeniacus</i> (Himalayan blackberry)	65%
<b>Tree Stratum</b>	<i>Alnus rubra</i> (red alder)	30%
<b>Herb stratum</b>	<i>Nasturtium officinale</i> (common nasturtium)	32%
	<i>Crocasmia x crocosmiiflora</i>	5%
	<i>Urtica dioica</i> (stinging nettle)	3%
	<i>Polystichum munitum</i> (sword fern)	1%





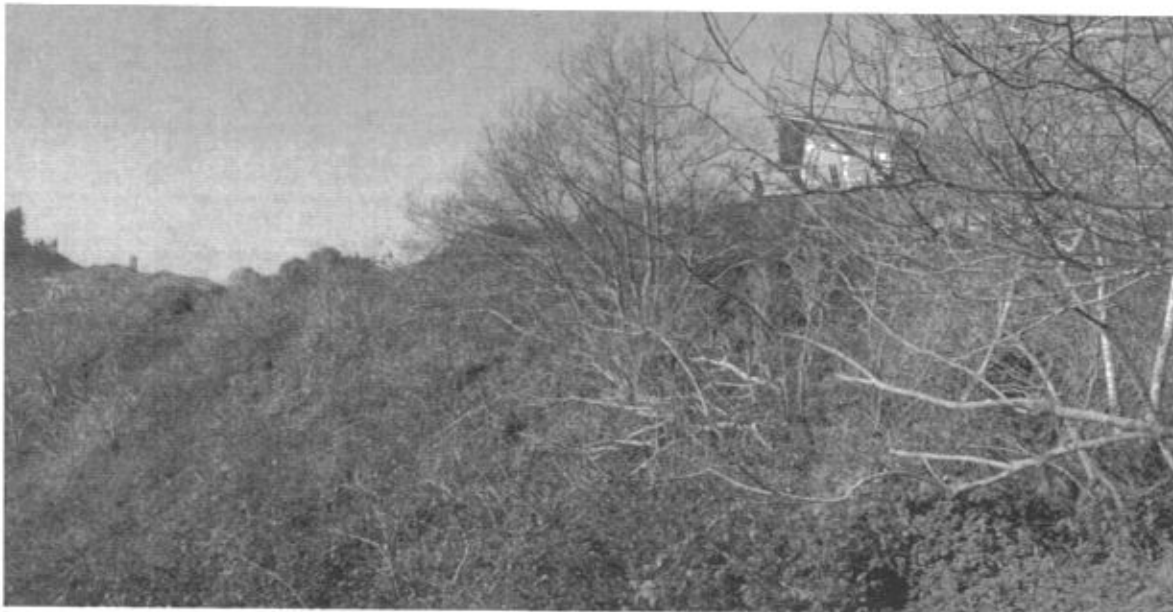
**Photo 1:** Red alder Group 1 (center of photo), looking north and upslope toward the top of bank. Note High percent relative cover by *Rubus spectabilis* (upright canes without leaves) and *Rubus ursinus* (decumbent, spreading with leaves) within the vicinity of Group 1.



**Photo 2:** Red alder Group 2 (on left hand side of photo), looking west. Note high percentage of non-native and invasive species, with nasturtium and Montebretia under the canopy, and Himalayan blackberry brambles beyond.



**Photo 3:** Looking east from red alder Group 2 toward red alder Group 1 (in center of photo, at a distance). Note the change in dominance from Himalayan blackberry (spreading leafy canes) to native coastal brambles (leafless, upright canes) within the center of the photo.



**Photo 4:** Study area looking northwest toward red alder Group 2 (Group 1 is just to the right of the photo). Note Himalayan blackberry bramble surrounding Group 2, with nasturtium and montebrtia (bright green).



**Photo 5:** Red alder Group 2 (left side of the photo), looking southeast, and downslope. Note dense Himalayan blackberry bramble to the edge of the bluff, with a change in vegetation dominance demarcated by the yellow line.

## Conclusions

Two groups of red alder trees are proposed to be removed for view restoration. ESHA was observed within the vicinity of Group 1 with the area dominated by coastal bramble vegetation community (see Figure 1). It is likely that the removal of the red alder Group 1 will impact ESHA; however, impacts can be greatly reduced by limiting the work done within the ESHA. This could include leaving the trees where they fall after being cut, to avoid unnecessary disturbance incurred during removal of material. Red alder decays very quickly, and leaving the material could more closely mimic natural conditions. Trees should be intentionally felled away from shrubs and well developed native *Rubus* dominated areas. The proximity of the Group 1 trees to Himalayan blackberry brambles makes it likely that felled trees could act as a point of further invasion by non-native species. This is due to the fact that natural vegetation will be disturbed and an opening will be created. This is exacerbated by birds using felled trees as perches and depositing Himalayan blackberry seeds within the opening. The potential for Himalayan blackberry encroachment can be reduced by cutting any elevated branches that could inhibit re-growth of natural vegetation or could act as a perch.

Any tree over 12 inches DBH is considered major vegetation. Trinidad's Local Coastal Program (LCP) requires approval of a use permit for the removal of trees over 12 inches DBH in most zones. Group 1 contains three tree trunks over 12 inches DBH. This includes 14.6 inches DBH, 14.5 DBH. And 12.3 inches DBH. To further reduce impacts these trees could be left and selectively pruned for windowing and crown reduction. This would avoid impacts to significant trees, and would limit the amount of debris and impact to the ESHA, and would not result in an overall reduction in the quality of the habitat surrounding Group 1.

Group 2 is not within an ESHA, and the removal of the trees would not impact ESHA. Currently Group 2 is surrounded by Himalayan blackberry brambles and other non-native vegetation. The removal of these trees would not impact the dominance of the area by non-native and invasive species. Trees could be left where they fall to create a break in the Himalayan blackberry bramble, although it is likely the opening would be completely closed within one growing season. Group 2 does not have any trees with a DBH over 12 inches, therefore the removal of these trees is not considered major vegetation removal, and will not result in impacts to ESHA.

Please do not hesitate to call me at (707) 822-5785 should any questions arise.

Respectfully submitted,

**SHN Engineers & Geologists**



Joseph Saler  
Botanist

JLS:ceg

## References Cited

- California Department of Fish and Wildlife. (2017). Vegetation Classification and Mapping Program (VegCAMP), "Natural Communities List." Sacramento, CA:CDFW. Accessed January 2018 at: [http://www.dfg.ca.gov/biogeodata/vegcamp/natural\\_communities.asp](http://www.dfg.ca.gov/biogeodata/vegcamp/natural_communities.asp).
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- Niemiec S., G.R. Ahrens, S. Willits, and D.E. Hibbs. (1995). *Hardwoods of the Pacific Northwest*. Research Contribution 8. Oregon State University, Forest Research Laboratory.
- Sawyer, J.O., T. Keeler-Wolf, and J Evans. (2009). *A Manual of California Vegetation, Second Edition*. Sacramento, CA:CNPS Press.



## DISCUSSION AGENDA ITEM 1

**SUPPORTING DOCUMENTATION FOLLOWS WITH:      1 PAGES**

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1. Presentation/Discussion regarding the Trinidad Rancheria Hwy 101 Interchange Project

## **DISCUSSION AGENDA ITEM**

Date: Feb 28<sup>th</sup> 2018

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**Item:** Trinidad Rancheria Presentation on the Hwy 101 Interchange Project

**Summary:**

The Cher-ae Heights Indian Community of the Trinidad Rancheria is working to advance a transportation project that proposes a new freeway interchange onto Hwy 101 from the Trinidad Rancheria properties. The project is still in the planning stages. The Rancheria will be making a presentation for the Council and community about the reasons for the project, its current status, and next steps.

This is an informational presentation.

**Staff recommends the Council:**

**Receive the presentation and take public input**



## DISCUSSION AGENDA ITEM 2

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES**

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2. Discussion/Decision regarding Resolution 2018-01; A Resolution Promoting Unity and Cooperation Between the City of Trinidad, the Yurok People, and the Tribal Governments within the Greater Trinidad Planning Area.



## **1DISCUSSION AGENDA ITEM**

**Date: February 28<sup>th</sup> 2018**

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**Item: Consider Adopting Resolution 2018-01 – A Resolution Promoting Unity and Cooperation Between the City of Trinidad, the Yurok People, and the Tribal Governments within the Greater Trinidad Planning Area**

### **Summary:**

The City, through this resolution, seeks to document and formalize the cooperative effort that led to the resolution of the conflict over the emergency move of the Trinidad Memorial Lighthouse, and to affirm the City's commitment to working together with the Yurok People and the tribal governments of the area.

This resolution has been revised from the draft discussed at the January 24<sup>th</sup> meeting to reflect input from the Yurok Tribe.

### **Staff Recommendation:**

Staff recommends the Council:

1. Accept Public Comment on this issue
2. Consider adopting Resolution 2018-01: A Resolution Promoting Unity and Cooperation Between the City of Trinidad, the Yurok People, and the Tribal Governments within the Greater Trinidad Planning Area

Attachments:

Draft Resolution 2018-01

**Trinidad City Hall**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
707-677-0223

**Susan Rotwein, Mayor**  
**Gabriel Adams, City Clerk**



**RESOLUTION 2018-01**

**A RESOLUTION PROMOTING UNITY AND COOPERATION BETWEEN THE CITY OF TRINIDAD, THE YUROK PEOPLE, AND THE TRIBAL GOVERNMENTS WITHIN OUR GREATER PLANNING AREA**

**WHEREAS**, The City of Trinidad recognizes that we all live together in this community, and that treating others as we want to be treated is always best;

**WHEREAS**, The City of Trinidad is committed to providing an environment that promotes the health and well-being of residents, community, and visitors alike;

**WHEREAS**, The City of Trinidad condemns bullying, intimidation, harassment, hate speech, and racism in all its forms;

**WHEREAS**, The Trinidad Memorial Lighthouse (TML) is a memorial dedicated to those lost or buried at sea, and on January 10<sup>th</sup> had to move from its original setting overlooking the Trinidad Bay;

**WHEREAS**, The City of Trinidad recognizes the historic, spiritual, and cultural significance of the Tsurai Village site, and recognizes the need to respect, protect, and preserve the sacred site;

**WHEREAS**, the resolution of the TML move was the result of open communication, good will, and problem solving between governments and organizations;

**WHEREAS**, the move of the TML is a significant symbol of a new beginning and a positive way forward in the relationship between the City of Trinidad, Yurok people and all of the Governments within our greater planning area.

**NOW, THERE IT BE RESOLVED, THAT** the Trinidad City Council pledges to work side-by-side, hand-in-hand with the Yurok People and all of the Governments within our greater planning area and beyond for our greater community health and spirit.

**PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL**, of Humboldt County of the State of California this 28<sup>th</sup> day of February, 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**Attest:**

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

\_\_\_\_\_  
**Susan Rotwein**  
Mayor



## DISCUSSION AGENDA ITEM 3

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 22 PAGES**

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3. Discussion/Decision regarding Resolution 2018-03; In support of the Healthy California Act, CA SB 562, Establishing Universal Single-Payer Health Care Coverage program and Cost Control System.

*Additional supporting materials will be included in an addendum packet online, but not included in the paper copies distributed to Councilmembers.*

## **DISCUSSION AGENDA ITEM**

Date: Feb 28<sup>th</sup> 2018

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**Item:** Consider Resolution 2018-03 in Support of SB 562 – The Healthy California Act - To Establish a Universal Single Payer Health Care Program for All California Residents.

### **Summary:**

This proposed resolution is a statement of support for legislation being advanced in Sacramento that would establish a single payer health care system for all California residents. The attached materials provide significant detail about the current legislation, possible financing methods, and anticipated impacts.

The City does not have data on the insurance status of Trinidad residents, but it is reasonable to assume that there are Trinidad residents who are uninsured and underinsured who would benefit from improved access to health care in a universal single payer system.

Medical insurance premiums make up a significant portion of the City's total personnel costs, totaling approximately \$95,000 in the current year's budget. A universal single payer system would likely save the City much of this funding which could then be available for other City services.

SB 562 would likely go through many revisions and iterations on a path to becoming law. Staff therefore see this resolution as primarily a statement of support and encouragement for our state representatives in working quickly towards a statewide single payer system rather than an endorsement of the specific mechanisms and details of such a system.

### **Staff recommends the Council:**

**Take public comment, discuss, and consider adoption of Resolution 2018-03 in support of SB 562.**

**TRINIDAD CITY HALL**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Susan Rotwein, Mayor**  
**Gabriel Adams, City Clerk**



**RESOLUTION NO. 2018-03**

**A RESOLUTION IN SUPPORT OF SENATE BILL 562 (LARA & ATKINS), THE HEALTHY CALIFORNIA ACT, THAT WOULD ESTABLISH A COMPREHENSIVE UNIVERSAL SINGLE-PAYER HEALTH CARE COVERAGE PROGRAM AND A HEALTH CARE COST CONTROL SYSTEM FOR THE BENEFIT OF THE CITY OF TRINIDAD AND ALL RESIDENTS OF THE STATE**

**WHEREAS**, the City of Trinidad has an interest in the health and well being of our community; and

**WHEREAS**, every Californian should have a right to health care; and

**WHEREAS**, the City of Trinidad currently spends approximately \$90,000 per year for health, dental, and vision insurance; and

**WHEREAS**, Senate Bill 562 (SB 562) would create a "comprehensive universal single-payer health care coverage program and a health care cost control system" for the benefit of all 38 million Californians – including undocumented residents; and

**WHEREAS**, SB 562 would consistently cover all Californians, because coverage is based on residency, not a person's changing income or employment status; and

**WHEREAS**, SB 562 would give patients the freedom to choose their doctor, and would manage prescription drug costs; and

**WHEREAS**, SB 562 would provide an equity of service for rural communities while enhancing family unification and the freedom to choose where to reside without the fear of un-affordable or un-accessible healthcare coverage; and

**WHEREAS**, SB 562 would reduce significant barriers to living, working and starting a business in rural California while encouraging entrepreneurialism, economic independence, and small business enterprise; and

**WHEREAS**, SB 562 would eliminate out of control co-pays and high deductibles, and reduce costs by cutting out insurance company waste and duplication; and

**WHEREAS**, SB 562 would reduce costly bureaucracy for businesses of all sizes and improve the efficiency in the delivery of all government services and programs; and

**WHEREAS**, the City of Trinidad and California are healthier and stronger when all residents have equal access to health care and it is critical that the State demonstrate leadership on health care-related issues by taking this step towards the establishment of universal health care coverage in California; and

**NOW THEREFORE BE IT RESOLVED**: That the City Council of Trinidad endorses SB 562, *The Healthy California Act*, as well as one of the financing plans recommended by the May 31, 2017, report, "*Economic Analysis of Healthy California Single Payer Health Care Proposal (SB-562)*," prepared by Pollin et. al. of the Political Economy Research Institute, University of Massachusetts, Amherst; and

**BE IT FURTHER RESOLVED:** That the Trinidad City Council will transmit this resolution to our state legislators, Assembly member Jim Wood and State Senator Mike McGuire, urging them to stand with the people of California in support of this important bill.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Trinidad in the County of Humboldt, State of California, on the 28th day of February, 2018 by the following vote:

**Ayes:**

**Noes:**

**Absent:**

**Abstain:**

**Attest:**

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Susan Rotwein**  
Mayor

# The Healthy California Act (SB 562): Executive Summary

UCSF/UC Hastings Consortium on Law, Science and Health Policy (ca June 2017)  
<http://www.healthreformtracker.org/the-healthy-california-act-sb-562-executive-summary/>

Transcribed by Dwight Miller-17-Jan-2017 ... with ***addition of the following independent cost analysis study*** done by Professors Pollin, Heintz, Arno, and Wicks-Lim, Political Economy Research Institute (PERI), University of Massachusetts-Amherst:

The study finds that providing full universal coverage would increase overall system costs by about 10 percent, but that the single payer system could produce savings of about 18 percent. **The study thus finds that the proposed single-payer system could provide decent health care for all California residents while still reducing net overall costs by about 8 percent relative to the existing system. We propose two new taxes to generate the revenue required to offset the loss of private insurance spending:** a gross receipts tax of 2.3 percent and a sales tax of 2.3 percent, along with exemptions and tax credits for small business owners and low-income families to promote tax-burden equity. Within this proposed tax framework, Healthy California can achieve both lower costs and greater equity in the provision of health care in California for both families and businesses of all sizes.

<https://www.peri.umass.edu/publication/item/996-economic-analysis-of-the-healthy-california-single-payer-health-care-proposal-sb-562>

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Following is the Executive Summary by the UCSF/UC Hastings Consortium cited above:

## I. Introduction

As Congress contemplates federal health reform with the American Health Care Act ("AHCA"), California's state senate has proposed its own version of healthcare reform. The Healthy California Act ("HCA") (SB-562), as amended on April 17, 2017, would create a single payer health system called the Healthy California program. The bill is sponsored and/or co-authored by sixteen state legislators, the California Nurses Association ("CNA"), and CNA's parent organization, National Nurses United.

The purpose of the HCA is to provide "universal health coverage for every Californian" under a single payer system. A single payer health system is one in which the government operates a tax-funded health insurance plan for all residents. Under the HCA, all California residents would be enrolled in the program. Health insurance companies could no longer sell any health care service plans or offer



health benefits covering any service for which HCA provides coverage. Effectively, this means all private health insurance companies would cease to operate in California. Individuals who qualify for Medicare would also receive those benefits through the Healthy California program.

This article provides a brief and non-exhaustive explanation of the bill and its potential impact on California residents. If you are interested in reading the entire bill you can do so [here](#).

You can read the Senate Committee on Health's analysis of the bill (4/24/17) [here](#).

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## **II. Eligibility, Benefits and Cost to Consumers**

This section provides a brief summary of eligibility requirements, covered benefits (including access to doctors), and costs to consumers.

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### **A. Who Would Be Eligible?**

Under this plan, coverage would be available to all California residents, regardless of immigration status. This differs from the Affordable Care Act ("ACA"), which has strict immigration requirements for coverage under any federal health insurance program.

In addition, institutions of higher education could purchase coverage under the program for students who are not California residents.

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### **B. What Benefits Would Be Covered?**

The bill states that the system would cover "all medical care determined to be medically necessary by the member's health care provider." The HCA would guarantee coverage of the Essential Health Benefits (EHBs) mandated by the ACA, which include:

- Ambulatory (outpatient) patient services
- Emergency services
- Hospitalization
- Pregnancy, maternity, and newborn care
- Mental health and substance abuse disorders, including behavioral health treatment
- Prescription drugs
- Rehabilitative and habilitative services and devices
- Laboratory services

- Preventative and wellness services
- Chronic disease management
- Pediatric services (including dental and vision care)

The HCA would also cover benefits beyond those in the ACA. Some, but not all, of these added benefits would include:

- Diagnostic imaging and other diagnostic and evaluative services
- Medical equipment, appliances, and assistive technology including prosthetics, eyeglasses, hearing aids and their repair, technical support, and customization needed for individual use
- Necessary transportation for health care services for persons with disabilities or who may qualify as low income
- Hospice care
- Care in a skilled nursing facility
- Home health care, including health care provided in an assisted living facility
- Adult and child dental and vision care
- Podiatric care
- Chiropractic care
- Acupuncture
- Certain complementary and integrative therapies
- Adult day care
- Ancillary health care or social services previously covered by county-integrated health and human services programs or by a regional center for persons with developmental disabilities
- Case management and care coordination

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### **C. Who Would Provide Care?**

Any health care provider who is licensed and in good standing in California is qualified to participate in the program, so long as the care is provided in the state. The Healthy California Board is also tasked with establishing relationships with out-of-state providers for care given to members when temporarily outside California's borders. Under the bill, health care providers would be allowed to engage in collective bargaining with the Healthy California program to discuss and negotiate rates of payment and payment methodologies.

Healthy California would likely operate similarly to Medicare, which is also a single payer system. Medicare is funded by taxpayer dollars and is administered by the federal government, but the government does not directly employ healthcare personnel. Rather, private practitioners and hospitals contract with the Centers for Medicare and Medicaid Services ("CMS") to receive reimbursements for healthcare services they provide.

This differs from the Veterans Health Administration (“VHA”) which is also a single payer system for individuals who have served in the U.S. military. Under the VHA, the government administers the agency by directly employing healthcare personnel (as well as contracting with private entities) to provide health care.

Under the language of the bill, it appears that Healthy California would operate more like Medicare — with the government contracting with private physicians — rather than like the VHA, which directly employs them.

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#### **D. Will I Get to Choose My Doctor?**

The intent of the program is to contract with all qualified health care providers in California to provide care for program enrollees. Because health insurance companies would not be allowed to compete with the program for business, current and future California health care providers would need to contract with the program in order to stay in business. Proponents of the bill state that this means enrollees would get to choose their doctor without worrying about whether their insurance will cover it.

Opponents of single payer have long argued that such a program will ultimately harm patients because there will ultimately be fewer doctors. The Heritage Group, a conservative think tank, asserts that a single payer system would result in lower payments to physicians, which in turn would result in fewer doctors willing to undergo the necessary training and education because it will no longer be financially rewarding. For instance, perhaps individuals would be deterred from entering medical school because they would incur loans that they might have more difficulty paying off.

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#### **E. What Would It Cost Consumers?**

Under the HCA, there would be no cost-sharing requirements for covered benefits. This means that enrollees would not be required to pay deductibles, co-pays, co-insurance, or premiums in order to receive coverage and services. However, in order to pay for the program, the state may need to raise taxes for individuals. It is unclear whether the increased taxes would cost more or less than average annual insurance premiums. The program would also provide premium assistance to low-income individuals enrolling in a Medicare Part D prescription drug program.

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### **III. Government Funding and Cost**

This section examines how the program would be funded and looks at the anticipated governmental costs of this type of program. There has not yet been an official fiscal analysis of the bill.

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#### **A. How Would Healthy California Be Funded?**

Under the proposed bill, the state of California would establish the Healthy California Trust Fund. This would provide the necessary funds for operating expenses. The trust fund would primarily receive funding from the federal government; all healthcare-related federal funds (including subsidies) that would otherwise be paid to the State of California, California residents, or health care providers instead would be made directly into the Healthy California Trust Fund.

Currently, California receives reimbursement from the federal government for certain healthcare expenditures, including Medicare and Medicaid. Under Healthy California, the state would seek a waiver from the federal government that would allow it to receive pool money received for programs like Medicaid and Medicare into one fund. This fund, that would also likely include monies obtained through taxes, would then be used to pay for implementation of the single payer program.

To ensure that California would continue to receive proper funding, all California residents who qualify for coverage under Medicare or Medicaid would have their benefits administered by the Healthy California Board.

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#### **B. What Would it Cost?**

Currently there are few detailed analyses of the cost of the program or how it would be financially sustainable. The bill does not contain a specific revenue plan, but only requires the state legislature to develop such a plan for the purpose of determining how to fund and sustain the program. Governor Jerry Brown has expressed significant concern with the cost of a single payer model, noting that healthcare in California already amounts to about 18% of the state's gross domestic product.

On the other hand, some analysts argue that single payer systems generally reduce healthcare costs. According to one analysis utilized by the organization Physicians for a National Health Program ("PNHP"), a third to a quarter of current health care costs are driven by "insurance company overhead, profit, and administrative costs." These costs, asserts PNHP, would be "recovered under single-payer and could be reallocated to the delivery of meaningful health care services."

In addition, according to many proponents of single payer, the current fragmented payment system (with multiple insurers paying different prices for services and medications) results in a loss of bargaining power with drug companies and providers. The Commonwealth Fund analyzed current government health systems (such as Medicare, the VHA, the Department of Defense and 340B Program plans). The analysis found that these government programs spend significantly less on prescription drugs. Specifically, the VHA “pays drug prices that are roughly half as much as those paid by retail pharmacies” because 1) these agencies wield significant market power to negotiate with drug companies and 2) price controls cap costs. If California transitioned to a single payer model, it might also be able to save costs due to enhanced bargaining power.

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#### **IV. Who Would Run the Healthy California Program?**

An independent public entity called the Healthy California Board would govern the program. The nine member board would be comprised of individuals with proven healthcare experience. The members would represent sectors of healthcare, labor, and the general public.

The Governor, Senate Committee on Rules, and Speaker of the Assembly would appoint the board members, and each member would serve four year terms. The board would be responsible for, among other things, negotiating contracts with health care providers and healthcare systems, and seeking necessary waivers and approvals to allow existing federal health-related payments to be made directly to the program.

The California Secretary of Health and Human Services would also establish a public advisory committee to advise the board on all policy matters. The uncompensated committee would consist of a diverse group of individuals, including physicians, nurses, labor representatives, consumers, representatives from hospital systems, and mental health care providers.

The Governor, Speaker of the Assembly, and Senate Committee on Rules would have roles in appointing members to the advisory council. Appointees would serve four year terms and must have worked in the field in which they are representatives (e.g., nursing or mental health) for at least two years prior to appointment.

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#### **V. Has This Been Done Before in the U.S.?**

Medicare, the VHA, and the Department of Defense (“DOD”) are three single payer programs that already exist in the United States. The City of San Francisco also has its own type of single payer program for city residents who are uninsured and who do not qualify

for Medi-Cal. Several states, such as Vermont and Colorado, have made serious efforts to pass single payer programs but have been unsuccessful in doing so.

This chart shows how the Healthy California program compares to other existing government based payer programs.

	Gov't Pays Medical Bills	Gov't Employs Doctors	Cost Sharing (Out of Pocket Costs for Individuals and Families)
HCA	Yes	No	No
Healthy SF	Yes	No*  *contracted providers do include City Public Health Departments	Yes
VA Health System	Yes	Yes	No
Medicare	Yes	No	Yes
DOD	Yes	Yes (but also reimburses for services rendered by private physicians and hospitals)	Not for active duty members and family; fees for out of network care that is not pre-approved

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## VI. Could it Really Pass into Law?

Despite multiple proposals at both state and federal levels over the years, single payer bills have largely been unsuccessful in the United States. This is often due to political disagreement over how such systems would be funded, intense opposition from the insurance industry, and the daunting task of overhauling how care is paid for and delivered.

This does not mean that California will not pass a single payer system bill. In fact, the City of San Francisco created a type of single payer program called Healthy San Francisco that provides universal healthcare to its otherwise uninsured residents. Lt. Governor Gavin Newsom, who was instrumental in implementing San Francisco's program, has indicated that he will run for governor on a single payer platform. Although he has cited the San Francisco program as a model for the entire state, this program is different in some key respects from what is being proposed in the Healthy California Act. For one, the San Francisco program does not prohibit private insurance companies and operates as a system of last resort. It is also not the primary source of insurance for residents of San Francisco.

Any efforts to implement a statewide system would likely face an uphill battle. Health insurance companies will almost certainly lobby against this measure, as they have done in other states with similar bills. Additionally, other critics have concerns about cost and



feasibility. Many state politicians, including leading democrats such as Dianne Feinstein, are so far unwilling to back this bill. Yet some analysts think given the current political climate and unpopularity of the AHCA, this may be the perfect time for California to pursue a single payer system.

As it now stands, SB-562 is moving forward. On April 26, 2017, the bill passed in the California Senate Health Committee by a 5 to 2 vote. It has now been referred to the Committee on Appropriations, which reviews all bills with a fiscal impact on the state.

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## **VII. Who Supports SB-562?**

To find out which individuals and organizations currently support SB-562, click [here](#).

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## **VIII. External Discussion and Analysis**

Bernie Sanders Wants California to Lead on Health Care  
The Sacramento Bee  
May 6, 2017

It May Not Be the Time for Single-Payer Healthcare in California, Assembly Leader Says  
The Sacramento Bee  
April 28, 2017

California Single Payer Healthcare Bill Passes First Committee Test  
Los Angeles Times  
April 26, 2017

What Would Single Payer Healthcare Look Like in California  
Los Angeles Times  
March 30, 2017

Single-Payer Health Care Bill Introduced in California Senate  
California Health Line  
February 22, 2017

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AND, as cited in the beginning of this paper:

Economic Analysis of the Healthy California Single-Payer Health Care Proposal (SB-562)  
by: Robert Pollin, James Heintz, Peter Arno, Jeannette Wicks-Lim

May 31, 2017 | Research Report



**Proposed single-payer universal health care for California (SB 562),  
compared to present multi-payer health care**

Questions	Present multi-payer model – not universal coverage	Proposed single-payer model – universal coverage	Comments
1. Who pays the doctor and hospital bills?	<ul style="list-style-type: none"> <li>- 14% - Medicare (Fed. Gov't)</li> <li>- 26% - Medicaid (Fed. Gov't, admin. by MediCal)</li> <li>- 53% - private insurers (funded by employers &amp; individuals): Kaiser Permanente, Blue Shield, Anthem Blue Cross and others</li> <li>- 7% - individuals &amp; others</li> </ul>	100% - State of California, through an independent state agency: The Healthy California Board	
2. Who is covered?	92.5% of residents are covered by some insurance, but the coverage is very limited for many.	100% of residents are fully covered, working full-time, part-time, or not working... all children, teens, mid-lifers and those on Medicare.	
3. What services are covered?	Depends ... choices are made by one's employer or ability to pay ... there are many different policies and levels of coverage for: doctors, dentists, hospitalization, vision checks & glasses, hearing aids, etc. ... with different co-pays, deductibles, and often surprising "holes" in policies.	Coverage of all Health Care: (1) medical (hospital, outpatient, primary, preventative), (2) dental, (3) prescription drugs, (4) mental health, (5) vision and hearing, (6) women's reproductive health, (7) lab tests, (8) rehab and other basic medical needs, (9) (much more ... read the bill).	
4. How much is TOTAL cost in California?	\$369 billion, covers 92.5% of Californians, but only <u>partial insurance</u> for many (36%)	\$331 billion, covers 100% of Californians, full coverage for all residents, all medical services, not just selected services.	

5. How financed?	<p>Taxes paid by employers and individuals to the federal government, for Medicaid and Medicare;</p> <p>Insurance premiums paid by employers;</p> <p>Insurance premiums paid by individuals; and co-pays, deductibles, and many other fees, often surprising when the bill arrive, are paid by individuals.</p>	<p>Taxes paid by employers and individuals to the federal government, for Medicaid and Medicare; (The Affordable Care Act- aka Obamacare – has a clause that encourages states to develop their own systems for health care, retaining federal financing of Medicare &amp; Medicaid, as long as the states' program meet the same or better standards required by the ACA)</p> <p>No insurance premiums. The City of Trinidad saves \$94,000/year.</p> <p>(* recommended financing):</p> <ul style="list-style-type: none"> <li>* Large employers (those with gross annual receipts over \$2.3 million), pay a 2.3% gross receipts tax (instead of paying health insurance premiums, or paying all the ancillary HR costs of providing insurance)</li> <li>* Sales tax on non-essential purchases of 2.3%, instead of health insurance premiums, co-pays, deductibles, etc.</li> </ul> <p>This represents a payment SHIFT from insurance premiums (etc.) to a sales tax, with rebate of these taxes for low-income families.</p>	<p>This financing plan will be called a <b>HUGE TAX INCREASE</b> by opponents, but look carefully and the plan shows a <b>NET DECREASE</b> in <u>payments</u>, representing a</p> <p><b>SHIFT FROM:</b> Disguised "TAXES" : insurance premiums, co-pays, deductibles, and un-explained fees on your hospital bill</p> <p><b>SHIFT TO:</b> TAXES (with no quotes). The present system "taxes" us with a variety of schemes, and the proposed system taxes us openly. <u>We get taxed either way ... just a SHIFT in nomenclature.</u> The overall cost would be 8% lower. The multi-payer system has much higher administrative costs than single-payer.  We all save.</p>
6. Which hospital may I go to?	Hospital that has a contract with your insurance.	Any	
7. Which doctor may I see?	Doctor that has a contract with your insurance.	Any	

8. How many personal bankruptcies because of inability to pay for unplanned medical emergencies?	A study showed that in the present US system of health care, 62% of all bankruptcies were due to inability to pay for medical expenses. <u>Other surveys concur.</u>	None.	
9. Who benefits? Who loses?	<p>LOSE:</p> <p>health insurers;</p> <p>drug companies;</p> <p>jobs of employees of health insurers.</p>	<p>BENEFIT:</p> <p>patients;</p> <p>doctors and other providers who have less overhead;</p> <p>jobs for new employees of Healthy California (many of whom formerly worked for health insurers)</p>	<p>(1) Health insurers would no longer be the middlemen for payments, which currently cost between 15 and 20% of health expenses. The administrative costs for Healthy California are less than multi-payers (insurers), resulting in 8% savings over current total costs, and insuring all Californians, for all, not some, of their medical needs.</p> <p>(2) The purchasing power of Healthy California will enable bargaining for drugs, comparable to the cost savings seen by the Canadian health care system.</p> <p>(3) Medical providers (doctors, dentists, mental health professionals, etc.) will not be burdened with high overheads to screen for and bill many different insurers, with different requirements.</p>

### Other questions and comments:

#### **Why should we choose universal single-payer Health Care?**

- cheaper: total costs in California 8% cheaper.
- much simpler to administer and understand ... no eligibility requirements, networks of providers, paperwork, etc.
- if everyone has access to health care, there is less chance of spreading communicable diseases (think tuberculosis, Zika, measles).

## Health Care is a Human Right ... Health Care For All is the right thing.

Imagine that we say: "we can't afford it!" Is that a moral or ethical position, to deny to any of our fellow Californians the care that all humans need ... think about the Golden Rule (for the Golden State).

Catastrophic illness or disability from accidents can strike any of us, at any time. Medical bankruptcy is an accident away for each of us.

## Right now, the "system" charges all of us in higher insurance premiums to cover the costs of those who cannot afford to pay.

Emergency room visits, and other hospital and drug charges, are frequently "written off" by providers when uninsured patients cannot pay, but those costs are recovered by charging more for insured patients. Insurance premiums rise indirectly when costs are shifted from uninsured to insured patients.

## Has any government tried "free" & universal single-payer health care before?

**Free Health care:** Free health care refers to a publicly funded health care that provides primary services free of charge or a nominal fee to all its citizens, with no exclusions based on income or wealth.

**Universal Health Care:** Universal health care, sometimes referred to as universal health coverage, universal coverage, or universal care, usually refers to a health care system that provides healthcare and financial protection to more than 90% of the citizens of a particular country.<sup>[1]</sup>

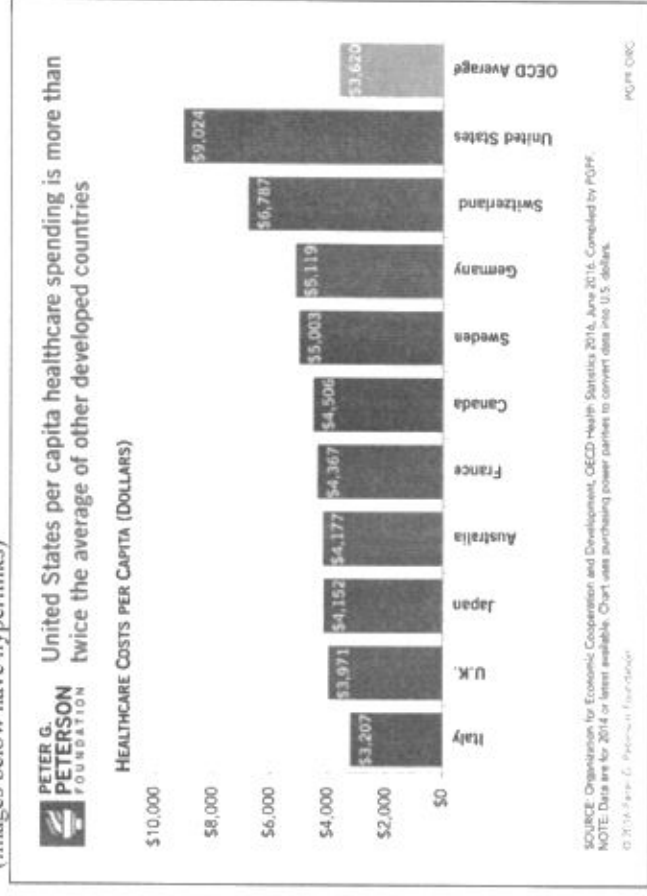
## •Yes – nearly all countries with comparable standard-of-living (per capita Gross Domestic Product, or GDP).

In 2013 the USA spent 17% of its GDP on health care, and all of the following countries spent between 9.4 and 11.6% of their GDP. The Health Outcomes in most of those countries were superior to the USA.

Universal coverage	Free Health Care	Country	Health Outcomes ranking	% of GDP on health care
YES	YES	United Kingdom	1	8.8
YES	YES	Australia	2	9.4
YES	YES	Netherlands	3	11.1
YES	YES	New Zealand	4	11.0
YES	YES	Norway	4	9.4
YES	YES	Sweden	6	11.5
YES	YES	Switzerland	6	11.1
YES	YES	Germany	8	11.2
YES	YES	Canada (pop. 37 million, nearly the same as California)	9	10.7
YES	YES	France	10	11.6
NO	NO	United States	11	17.1

**Is this political? ... No ... and Yes.** Everyone needs affordable healthcare, so it's not fundamentally political. Criticisms of single-payer plans are mostly proffered by one party, without proposing better plans. They criticize single-payer using jingoistic terms like "socialized" (or government administered) medicine. Yet, the VA in the US, highly valued by vets, is nearly completely socialized (facilities owned, doctors employed, and payments managed). Less "socialized" is Medicare, which manages payments, much as the Healthy CA plan envisions. Medicare has "Lower Administrative Costs Than Private Plans...", as well as higher patient satisfaction. "According to the Kaiser Family Foundation, administrative costs in Medicare are only about 2 percent of operating expenditures. Defenders of the insurance industry estimate administrative costs as 17 percent of revenue." Critics of single-payer plans have extolled private insurers, noting they are "free enterprise." Yet, for-profit insurers (most) in the US have a fiduciary responsibility, by law, to maximize profit ... that is achieved by limiting access to care by those who need it (eligibility rules, co-pays, deductibles, fine-print coverage, etc.). Research data show: "socialized" medicine gives results that are healthier, and lower cost, than in the US, which is 37th of 191 countries.

(images below have hyperlinks)



### Health Care System Performance Rankings

	AUS	CAN	FRA	GER	NETH	NZ	NOR	SWE	SWITZ	UK	US
<b>OVERALL RANKING</b>	2	9	10	8	3	4	4	6	6	1	11
Care Process	2	6	9	8	4	3	10	11	7	1	5
Access	4	10	9	2	1	7	5	6	8	3	11
Administrative Efficiency	1	6	11	6	9	2	4	5	8	3	10
Equity	7	9	10	6	2	8	5	3	4	1	11
Health Care Outcomes	1	9	5	8	6	7	3	2	4	10	11

Source: Commonwealth Fund analyses

The Commonwealth Fund  
J. G. Schneider, D. G. Brennan, J. Thomas, A. Shih, and U. M. Dobb. Money Matters: How the U.S. Health Care System Compares Internationally & A Plan of Reform. Chicago: The Commonwealth Fund, July 2017

### Additional resources:

[HealthyCaliforniaAct.org](https://HealthyCaliforniaAct.org) (main page) and [HealthyCaliforniaAct.org/resources/](https://HealthyCaliforniaAct.org/resources/) for details.  
[CaliforniaHealthCareBill.org](https://CaliforniaHealthCareBill.org) Bill: How Single-Payer Insurance Could Cut Costs For Businesses (International Business Times)  
[The Best Health Care System in the World: Which One Would You Pick? \(NY Times\)](https://www.nytimes.com/2018/02/20/us/politics/health-care-system-world.html)

... This document prepared by Dwight Miller. It can be improved. Please send constructive criticism to [dmiller6@gmail.com](mailto:dmiller6@gmail.com). (2/20/2018)

# Five Reasons for Businesses to Support Universal Health Care Insurance



## Cost Savings for Employers and Employees

A comprehensive statewide plan has the power to eliminate waste and better control costs. Insurance company bureaucracy, duplication, marketing and profits currently consume 25 – 30 percent of all health premiums. California, the world's sixth largest economy, will be able to negotiate better pricing for drugs and services. It is anticipated that 90 percent of Californians, including businesses, will save money with access to equal or better services than they currently receive. Employees' increased discretionary income will likely result in more consumer spending, thereby enhancing overall economic growth and encouraging employers to invest in expanded facilities and equipment.



## Improved Care — Better Workplace Performance

Healthcare providers will be able to cut back on time consuming, back office paper shuffling and focus on providing timely, quality services resulting in improved care. Such progress will reduce employee absenteeism and improve workplace performance. **Workers will enjoy expanded care while embracing a system less complex to understand.** Preventive medicine and wellness coaching will become norms.



## Reduction in Human Resources Staffing

Presently businesses spend an inordinate amount of time evaluating and implementing complex and costly healthcare plans for employees. Through the creation of a strong state plan, nearly all of this exhausting exercise will cease. Human resources staff time will be available to focus on other important employee issues.



## The Right Thing to Do – California Leadership

It is shameful that in a state as wealthy as California and in a nation as wealthy as the U.S. quality healthcare is not provided for all. All other major developed nations do. We can learn from them while putting a unique Golden State imprint on ours. It is the "Bear Flag Republic's" moment to lead with a just "growl" heard 'round the U.S.



## Stimulation of Entrepreneurial Activity

Healthcare insurance as proposed in S.B. 562 will be universal and therefore individuals will have access no matter what their employment status. Given the attacks on the ACA, many potential entrepreneurs are fearful of leaving jobs tied to health insurance coverage. This concern will be eliminated once and for all.



CALIFORNIA REPUBLIC



[www.BA4HCAL.org](http://www.BA4HCAL.org)  
[info@BA4HCAL.org](mailto:info@BA4HCAL.org)

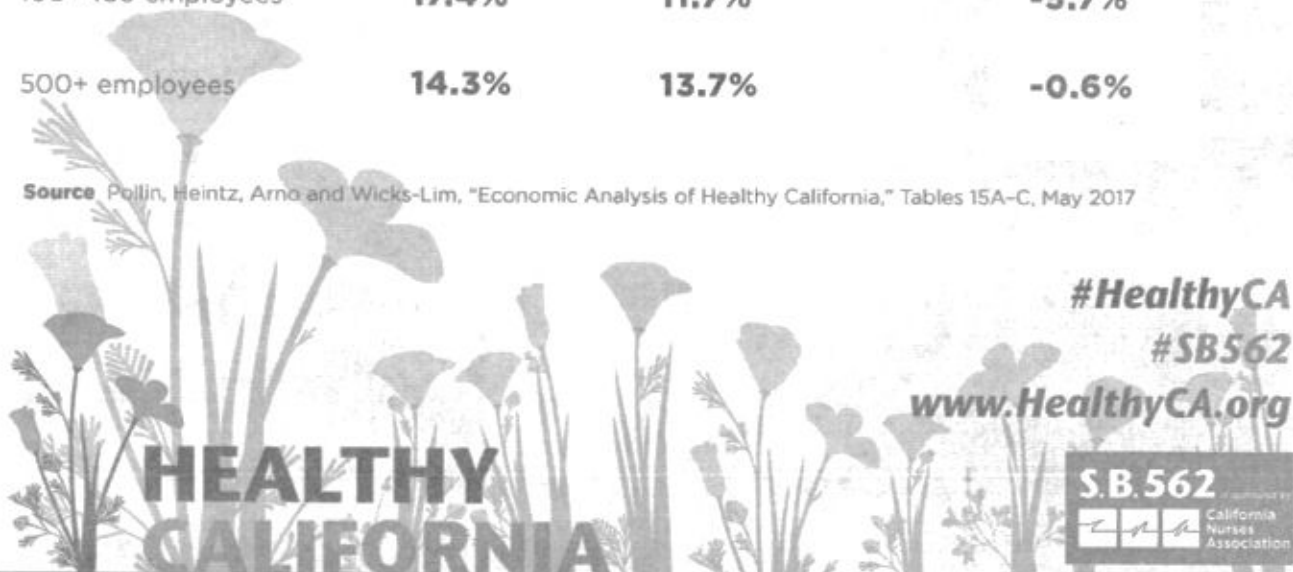


# Impact of Transition to Healthy California on Businesses: Summary Figures

**Table 16** Pollin, Heintz, Arno and Wicks-Lim, "Economic Analysis of Healthy California," May 2017

Healthcare Spending as Share of Payroll			CHANGE IN HEALTHCARE SPENDING AS SHARE OF PAYROLL COLUMN 1 - COLUMN 2 =	
1	EXISTING SYSTEM	2		HEALTHY CALIFORNIA
SMALL BUSINESSES 0-9 EMPLOYEES				
No health benefits	0%	0%	+0%	
With health benefits	22.0%	0%	-22.0%	
MIDDLE-SIZED BUSINESSES				
10-19 employees	17.6%	4.2%	-13.4%	
20-99 employees	16.2%	9.4%	-6.8%	
LARGE BUSINESSES				
100-499 employees	17.4%	11.7%	-5.7%	
500+ employees	14.3%	13.7%	-0.6%	

**Source** Pollin, Heintz, Arno and Wicks-Lim, "Economic Analysis of Healthy California," Tables 15A-C, May 2017





# MYTHS VS FACTS

## ► FINANCES

**MYTH** S.B. 562 would cost \$400 billion. We can't afford it!

- FACT**
- S.B. 562 would reduce the healthcare cost structure by 18%, saving California \$37 billion dollars a year off our current healthcare costs. Everyone would save money.
  - 15 million Californians are currently uninsured or under-insured. S.B. 562 would insure ALL residents.
  - Medicare spends 1–3% on administration. Private insurers spend 20%. Our current system is unaffordable!
  - California would need to raise \$106 billion in new revenue.
  - Employers and residents would pay NOTHING for premiums, deductibles, co-pays, and everyone would be covered for all medically necessary services.

*S.B. 562 saves businesses and residents money. We can't afford NOT to pass it!*

**MYTH** You haven't told us how you're going to pay for it.

- FACT**
- A study by the University of Massachusetts-Amherst analyzed funding requirements, and presents two options on how to raise funds.
  - Options include: sales tax, gross receipts tax, payroll tax, income tax on high-earners, or some combination thereof.
  - It's up to legislators to show leadership and develop an optimal plan.

## ► ECONOMIC IMPACT

**MYTH** S.B. 562 would "dismantle the healthcare marketplace and destabilize the economy."

- FACT**
- S.B. 562 would transform a complex, profit-driven marketplace into a simple, efficient system beholden only to the residents of California.
  - Warren Buffet: "Healthcare is the tapeworm of American competitiveness...and single payer is the solution."
  - S.B. 562 will save companies money, get employers out of the healthcare business, free up capital for investment, and encourage entrepreneurship.
  - S.B. 562 is the best way to provide economic and health security in the emerging "gig economy."
  - S.B. 562 provides funding for transitioning employees from health insurance sales, marketing, and administration to more productive professions.

*S.B. 562 is good for business and will give California a competitive advantage.*

## ► STATE AND FEDERAL LEGAL ISSUES PROHIBIT IMPLEMENTATION

**MYTH** California won't be able to get federal waivers to use Medicare, Medi-Cal, and other federal funds in the Healthy California system.

- FACT**
- Other states have received waivers.
  - Waivers are consistent with Republicans' preference to give states flexibility.
  - We live in a democracy and this is a political issue.
  - California has led the country on taking on the federal government on immigration, climate change, and many other issues. Why should we stop now?

*continued on back—*



[www.HealthyCA.org](http://www.HealthyCA.org)  
[info@HealthyCaliforniaAct.org](mailto:info@HealthyCaliforniaAct.org)  
[Facebook](#) CampaignForAHealthyCalifornia  
[Twitter](#) @4HealthyCA #HealthyCA

— continued from front

**MYTH** The Gann Amendment and Proposition 98 won't let us raise the necessary funds.

**FACT** • As Senator Kuehl has said, the legislature can resolve these issues, as the legislature has done for other programs.

## ► POLITICS OF PASSAGE

**MYTH** We can't move S.B. 562 through the process because the bill doesn't spell out everything about how the system will work.

**FACT** • Until the Assembly Speaker moves it through committee, it is not possible to add amendments.

• **This is a question of political will.** A.B. 32, California Global Warming Solutions Act of 2006, was 13 pages long. It mandated the creation of a highly complex cap and trade market without specifying details. If we can do that, we can do this.

**MYTH** The amendments we've seen are technical in nature. Much more needs to be worked out.

**FACT** • The campaign's policy committee is developing additional recommendations. Let's meet and work them out.

**MYTH** Universal Coverage = Single-Payer

**FACT** • Universal coverage does not guarantee care. "Access" is not care. Any system that leaves insurance companies as a middleman to profit off our health and deny care does not guarantee healthcare.

## ► SYSTEM-WIDE REORGANIZATION

**MYTH** Transitioning to single-payer is too dramatic, complicated, and unwieldy.

**FACT** • The fundamental problem in our healthcare system is complexity, which is easily exploited by for-profit insurers.

• An incrementalist, "whack-a-mole" approach won't save money and leaves in place the the root of the problem—a wasteful, profit-based, healthcare system that does not cover everyone.

• Many countries have successfully transitioned to a similar system.

## ► COST CONTAINMENT AND SAVINGS

**MYTH** We need to implement cost containment measures before we transition to single-payer.

**FACT** The single most effective cost containment strategy is implementing a single-payer system that would:

• Reduce administration costs by 18%.

• Empower Californians to negotiate provider and pharmaceutical prices.

• Eliminate Californians' contributions to insurance company profits and executive compensation.



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# MYTHS vs FACTS

## ► FINANCES

**MYTH** S.B. 562 would cost \$400 billion. We can't afford it!

- FACT**
- S.B. 562 would reduce the healthcare cost structure by 18%, saving California \$37 billion dollars a year off our current healthcare costs. Everyone would save money.
  - 15 million Californians are currently uninsured or under-insured. S.B. 562 would insure ALL residents.
  - Medicare spends 1–3% on administration. Private insurers spend 20%. Our current system is unaffordable!
  - California would need to raise \$106 billion in new revenue.
  - Employers and residents would pay NOTHING for premiums, deductibles, co-pays, and everyone would be covered for all medically necessary services.

*S.B. 562 saves businesses and residents money. We can't afford NOT to pass it!*

**MYTH** You haven't told us how you're going to pay for it.

- FACT**
- A study by the University of Massachusetts-Amherst analyzed funding requirements, and presents two options on how to raise funds.
  - Options include: sales tax, gross receipts tax, payroll tax, income tax on high-earners, or some combination thereof.
  - It's up to legislators to show leadership and develop an optimal plan.

## ► ECONOMIC IMPACT

**MYTH** S.B. 562 would "dismantle the healthcare marketplace and destabilize the economy."

- FACT**
- S.B. 562 would transform a complex, profit-driven marketplace into a simple, efficient system beholden only to the residents of California.
  - Warren Buffet: "Healthcare is the tapeworm of American competitiveness...and single payer is the solution."
  - S.B. 562 will save companies money, get employers out of the healthcare business, free up capital for investment, and encourage entrepreneurship.
  - S.B. 562 is the best way to provide economic and health security in the emerging "gig economy."
  - S.B. 562 provides funding for transitioning employees from health insurance sales, marketing, and administration to more productive professions.

*S.B. 562 is good for business and will give California a competitive advantage.*

## ► STATE AND FEDERAL LEGAL ISSUES PROHIBIT IMPLEMENTATION

**MYTH** California won't be able to get federal waivers to use Medicare, Medi-Cal, and other federal funds in the Healthy California system.

- FACT**
- Other states have received waivers.
  - Waivers are consistent with Republicans' preference to give states flexibility.
  - We live in a democracy and this is a political issue.
  - California has led the country on taking on the federal government on immigration, climate change, and many other issues. Why should we stop now?

*continued on back—*



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—continued from front

**MYTH** The Gann Amendment and Proposition 98 won't let us raise the necessary funds.

**FACT** • As Senator Kuehl has said, the legislature can resolve these issues, as the legislature has done for other programs.

## ► POLITICS OF PASSAGE

**MYTH** We can't move S.B. 562 through the process because the bill doesn't spell out everything about how the system will work.

**FACT** • Until the Assembly Speaker moves it through committee, it is not possible to add amendments.

- **This is a question of political will.** A.B. 32, California Global Warming Solutions Act of 2006, was 13 pages long. It mandated the creation of a highly complex cap and trade market without specifying details. If we can do that, we can do this.

**MYTH** The amendments we've seen are technical in nature. Much more needs to be worked out.

**FACT** • The campaign's policy committee is developing additional recommendations. Let's meet and work them out.

**MYTH** Universal Coverage = Single-Payer

**FACT** • Universal coverage does not guarantee care. "Access" is not care. Any system that leaves insurance companies as a middleman to profit off our health and deny care does not guarantee healthcare.

## ► SYSTEM-WIDE REORGANIZATION

**MYTH** Transitioning to single-payer is too dramatic, complicated, and unwieldy.

**FACT** • The fundamental problem in our healthcare system is complexity, which is easily exploited by for-profit insurers.

- An incrementalist, "whack-a-mole" approach won't save money and leaves in place the the root of the problem—a wasteful, profit-based, healthcare system that does not cover everyone.
- Many countries have successfully transitioned to a similar system.

## ► COST CONTAINMENT AND SAVINGS

**MYTH** We need to implement cost containment measures before we transition to single-payer.

**FACT** The single most effective cost containment strategy is implementing a single-payer system that would:

- Reduce administration costs by 18%.
- Empower Californians to negotiate provider and pharmaceutical prices.
- Eliminate Californians' contributions to insurance company profits and executive compensation.



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## **DISCUSSION AGENDA ITEM 4**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES**

---

4. Discussion/Decision regarding First Reading of Ordinance 2018-01; Amending Section 12.12.030 and 040 of the Trinidad Municipal Code allowing Leashed Dogs on Trinidad Head.

## **DISCUSSION AGENDA ITEM**

**Date: February 28th 2018**

---

**Item: First Reading of Ordinance 2018-01, Revising the Trinidad Municipal Code to Allow Dogs on Leash on Trinidad Head.**

### **Summary:**

Current City Code prohibits dogs on Trinidad Head. This rule has not been enforced, in fact signage on the trail indicates dogs are allowed on leash. Staff are not sure if this was ever enforced, it certainly has not been for many years.

The Trinidad Head Trails Committee has reviewed this situation and recommends that the City modify the existing ordinance to allow dogs on leash on the Trinidad Head trail. This would be consistent with the current regular use of the Trinidad Head Trails, and is therefore not anticipated to result in any change in impact or use of the Head.

The City Council on January 24<sup>th</sup> 2018 directed staff to develop an Ordinance that would allow dogs on leash on the Trinidad Head roads and trails.

A Draft Ordinance is attached and recommended for a first reading.

### **Staff Recommendation:**

Staff recommends the Council:

1. *Accept Public Comment on this issue*
2. *Waive the Reading of the Full Text of the Ordinance, and*
3. *Conduct the First Reading of Ordinance 2018-01: An Ordinance of the City Council of the City of Trinidad Amending Section 12.12.030 and 12.12.040 of the Trinidad Municipal Code Regarding Dogs on Trinidad Head.*

Attachments:

Draft Ordinance 2018-01



**ORDINANCE NO. 2018-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF TRINIDAD AMENDING SECTION 12.12.030 and 12.12.040 OF THE TRINIDAD MUNICIPAL  
CODE REGARDING DOGS ON TRINIDAD HEAD**

The City Council of the City of Trinidad does hereby ordain as follows:

**Section 1:** Section 12.12.030 of the Trinidad Municipal Code is hereby amended to read as follows:

**12.12.030 Permitted activities.**

Activities allowed on Trinidad Head are:

- A. Only foot traffic is allowable on Trinidad Head.
- B. **Leashed Dogs;** restrained by leash, cord, chain or other physical restraint.
- C. Weddings and picnics are allowable on Trinidad Head. Persons must remove their own rubbish. For weddings on Trinidad Head, the persons who wish to have a wedding on Trinidad Head must receive permission from the Trinidad city council. No alcoholic beverages allowed at weddings on the Head.
- D. Vehicles will only be allowed on Trinidad Head after receiving permission from the city council for one specified event only and must sign a disclaimer that they will not hold the city responsible for any collision, accident or injury.
- E. The following vehicles are allowed accessibility on Trinidad Head: USCG vehicles, PGE vehicles, USCG personnel living at the USCG housing and any city vehicles and Trinidad Head committee member's vehicles. [Ord. 176 § 6, 1983].

**Section 2:** Section 12.12.040 of the Trinidad Municipal Code is hereby amended to read as follows:

**12.12.040 Restricted activities.**

Activities not allowed on Trinidad Head are:

- A. No private vehicles of any type, except those authorized by TMC 12.12.030;
- B. **Unleashed dogs.**
- C. No horses;
- D. No fireworks of any type;
- E. No rock climbing;
- F. No fires of any type;
- G. No cutting or digging of any plants, brush or wild flowers on Trinidad Head with the exception of the Trinidad Head committee and the city public works department. [Ord. 90-204 § 2(P), 1990; Ord. 176 § 7, 1983].

**Effective Date**

This ordinance shall become effective thirty (30) days after the date of its enactment.

**First Reading** held on February 28<sup>th</sup> 2018

**Second Reading and Adoption** on this 11th day of April 2018, by the following vote:

**Ayes:**

**Noes:**

**Absent:**

**Abstain:**

**Attest:**

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Chi-Wei Lin**  
Mayor





## DISCUSSION AGENDA ITEM 5

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 19 PAGES**

---

5. Discussion/Decision regarding Appointing an Ad-hoc Council Committee to Develop a Trinidad City Council Policies and Procedures Manual

*Only the first chapter of each manual was included in this packet. The complete versions of the attached policy manuals for the City of Arcata and Fortuna will be included in the addendum packet online, but not distributed to the Council in the paper version.*

## **DISCUSSION AGENDA ITEM**

**Date: February 28<sup>th</sup> 2018**

---

### **Item: Consider Appointing an Ad-hoc Council Committee to Develop a Trinidad City Council Policies and Procedures Manual**

#### **Summary:**

The Council has expressed interest in defining and codifying 'Best Practices' for the City Council. Staff recommends that the Council consider addressing this through development of a City Council Policy and Procedures Manual. This manual would collect and organize existing City Resolutions and Ordinances governing the work of the Council, as well as applicable State law including the Ralph M Brown Act and various conflict of interest laws. Developing this Manual would provide an opportunity for Council to consider modifying existing policies or developing new policies as necessary for the efficient and effective functioning of the Council. It would also serve as a valuable orientation handbook for new members of the Council.

Specific issues that have arisen in recent years that such a Manual could help clarify include questions about the Brown Act, process and authority for setting agendas, legal guidance regarding conflict of interest concerns, parliamentary procedures for conducting meetings, and public process and notice requirements for Ordinances and Resolutions.

Staff have attached similar manuals from the City of Arcata and the City of Fortuna as examples.

This project would require significant staff effort as well as effort of the appointed Council members. In order to spread that work out, staff expect it would likely take a minimum of three months for the Committee to come back to Council with a draft for consideration.

#### **Staff Recommendation:**

Staff recommends the Council:

1. Accept Public Comment
2. Consider appointing two Council members to an ad-hoc 'Council Policy and Procedures' Committee with the assignment to work with staff to develop and bring back to Council a draft Policy and Procedures Manual
3. Consider providing direction to the Committee and staff regarding particular issues that Council members want to see addressed in the Manual.

#### **Attachments:**

Arcata City Council Protocol Manual  
Fortuna City Council Policies and Procedures Manual



# City Council Protocol Manual 2011



## Arcata City Council

*Shane Brinton*

*Susan Ornelas*

*Alexandra Stillman*

*Mark Wheatley*

*Michael Winkler*



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Revised 4/2011



City of Arcata  
736 F Street  
Arcata, CA 95521  
(707) 822-5951  
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## CHAPTER ONE—Introduction and Overview

---

As a City Councilmember, you not only establish important and often critical policies for the community of Arcata, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the city organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings.

### 1.01—Council-Manager Form of Government

---

The City of Arcata has a Council-Manager form of government. As described in the Municipal Code and the Government Code of California, certain responsibilities are vested in the City Council and the City Manager. Basically, this form of government prescribes that a City Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines public policy and gives direction to the City Manager to administer the affairs of the city government in a businesslike and prudent manner (Arcata Municipal Code Title II and California Government Code § 34100, et seq.).

The City of Arcata was incorporated in 1858. At that time, the separately elected City Clerk was the administrative officer for municipal affairs. There was also a separately elected City Treasurer. The City Council established Arcata as a Council-Manager form of government in 1958 and hired its first City Manager that year. Shortly after that, the position of City Clerk was changed from elected to appointed and the City Treasurer position was changed to the appointed Finance Director position.

### 1.02—Purpose of City Council Protocol Manual

---

The City of Arcata has prepared its own Protocol Manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Councilmembers in their actions.

### 1.03—Overview of Basic Documents

---

This Protocol Manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

## ***Basic City Governing Documents***

*A complete list of City plans and implementation programs is provided in Appendix A.*

### ***A. Codes of the State of California***

The state laws contain many requirements for the operation of city government and administration of meetings of city councils throughout the state. Arcata is a "general law city" which means it operates under applicable general laws of the state. As a general law city of the state of California, Arcata is vested with all the powers of incorporated cities as set forth in the California Constitution and the applicable California state laws. Conversely, there are a number of cities within California that are "charter cities" and have adopted local provisions that establish basic governing procedures for local government (California Government Code §§ 34100-34102).

### ***B. Arcata Municipal Code***

The Municipal Code contains local laws and regulations adopted by ordinances. Title I and Title II of the Code address the role of the City Council, describe the organization of City Council meetings and responsibilities, and appointment of certain City staff positions, advisory boards, and commissions. Boards and commissions are also addressed in Title III. In addition to these administrative matters, the Municipal Code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

### ***C. Council's Goals & Priority Projects***

The City Council sets both long-term and short-term goals for the City each spring. The goal-setting process includes a review of the previous year's goals including progress toward completion and updating. The budget is then written with the objective of working toward completion of those goals.

### ***D. Annual Budget***

The annual budget is set for the fiscal year beginning July 1 and ending June 30. It is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. Study sessions on the budget are held in May and public hearings in June with adoption at the second City Council meeting in June.

### *E. Annual Financial Audit*

The annual financial audit includes the financial statements of the City of Arcata for the fiscal year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial audit includes statements for the various groups of funds and a consolidated group of statements for the City as a whole. The City Council has the responsibility of hiring an independent auditor, and of reviewing and accepting the audit.

### *F. General Plan*

A state-mandated General Plan addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's General Plan is reviewed on an ongoing basis, but mandatory elements may only be revised four times a year; however, certain amendments necessary for affordable housing development are not subject to this limitation (California Government Code § 65358).

### *G. Five-year Capital Improvement Plan*

The Five-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and construction of capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of City services.

### *H. Disaster Preparedness Plan*

The City maintains a disaster preparedness plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the City Manager directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident. The chain of command is as follows:

The City Manager is the Director of Emergency Services

The City Manager may appoint an Assistant Director of Emergency Services

*(See Arcata Municipal Code Title II, Chapter 6, §§ 2700–2709)*



# CITY OF FORTUNA

## City Council Policies & Procedures Manual

The City of Fortuna's mission is to be worthy of the public trust by providing timely, efficient, well-planned and dependable services to the community.

Prepared by  
The City Clerk's Office  
Linda Jensen, Deputy City Clerk  
Adopted by Resolution 2011- 14 on June 20, 2011

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## **1. LOCAL GOVERNMENT IN FORTUNA**

Fortuna was incorporated as a City in 1906, being governed by a City Council. In 1977, the City, by ordinance, established the Council-Manager form of government. Fortuna is a Charter City and the City Council is the governing body. The City Council is vested with all the regulatory and corporate powers of a municipal corporation provided for by state law governing charter cities.

### **1.2 RULES FOR AMENDING THIS POLICIES & PROCEDURES MANUAL**

The City Council shall determine its own policies and procedures and amend them from time to time and/or adopt new ones. Amendment to this manual or adoption of new policies or procedures shall require a majority vote of the council.

### **1.3 COUNCIL-MANAGER FORM OF GOVERNMENT**

Under the Council-Manager form of government, citizens elect their Council Members who make decisions which determine the policies of the City.

The City Council is the governing body of the City responsible for establishing policies and programs. The City Council is responsible to see that local policies and laws address both short and long term needs, and that citizens receive a return on their tax investment in terms of efficient City services.

While the City Council establishes policies and programs, it is the responsibility of the City Manager to apply and administer those policies to the day-to-day operations of the City. The City Manager oversees all City operations and is the liaison between the Council and the City staff.

Teamwork between the Council and the Manager is a key element of the Council-Manager plan. The pooling of skills is essential to resolve the many complex problems that face the City today. The Council-Manager plan seeks to enhance the effectiveness of local policy-making and municipal operations.

### **1.4 MAYOR AND CITY COUNCIL MEMBERS**

The City of Fortuna is governed by a five-member

City Council elected to four-year terms on a staggered basis. Council Members are elected in the general election in November of even numbered years. After each general election, the City Council elects a Mayor and Mayor Pro Tempore from its own membership.

The Mayor is the presiding officer of the City Council. As presiding officer, the Mayor calls Council meetings to order, announces the order of business as detailed on the agenda, states motions, calls for a vote and announces the results, facilitates and monitors discussions, maintains order, and enforces the Council's rules and parliamentary procedures. When the Mayor is absent at any meeting, the Mayor Pro Tempore shall serve as Mayor. When the Mayor and Mayor Pro Tempore are absent at any meeting of the Council, the next most senior member of the Council as determined by years of service on the Council or, if equal, by the number of votes received in the municipal election in which they were elected shall serve as Mayor.

The Mayor also, with Council approval, signs all ordinances, resolutions, and other records of proceedings approved by the Council. The Mayor has no veto power. The Mayor Pro Tempore serves in the capacity of the Mayor during any absence or incapacitation of the Mayor.

The Mayor and members of the Council are elected to provide leadership in setting goals and in formulating policies. The City Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs.

Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the City Manager's direction, staff can provide assistance in analyzing the City's needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the City.

The City Council also serves as Board Members for the Fortuna Redevelopment Agency (RDA), the Fortuna Public Financing Authority (FPFA) and the Fortuna Public Improvement Corporation (FPIC), with all meetings being held concurrently. References in this document to the "City Council", also includes

the Council's role on the RDA, FPFA and FPIC.

## 1.5 THE MUNICIPAL CODE

The Fortuna Municipal Code sets forth the regulatory, penal and administrative laws of general application to the City. Local ordinances adopted by the City Council are codified in the municipal code by the City Clerk. These laws are enforceable by the City, and violation constitutes a misdemeanor or infraction. The municipal code is divided into the following categories:

- General Provisions
- Administration and Personnel
- Revenue and Finance
- Business Taxes, Licenses and Regulations
- Animals
- Health and Safety
- Public Peace, Safety and Morals
- Vehicles and Traffic
- Streets Sidewalks and Public Places
- Utilities
- Cable and Open Video Systems
- Buildings and Construction
- Subdivisions
- Zoning
- Tables
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Other directives and policies of the City Council are recorded in Council resolutions or by minute action of the Council.

## 2. YOUR ROLE AS A CITY COUNCIL MEMBER

### 2.2 RESPONSIBILITIES

The City Council is the elected legislative and policy-making body of the City government. The Council is responsible to the citizens for:

- Providing quality services within available resources.
  - Acting as a representative between the professional staff and local citizens.
- City Council Members are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal setting are the tools that enable a Council to define their vision and determine methods for accomplishing their goals.
- ### 2.3 COUNCIL GOALS
- Goal setting requires time, energy, and a well-defined process. Every two years, usually in January following a City Council election, the Council meets with the City Manager and the various department managers in a goal setting/priority projects session to review progress on goals previously set, and defines new goals and objectives for the City. While a myriad of responsibilities consume the limited time and energy of elected officials, there are some definite advantages for engaging in the process:
1. Goal setting gives the Council a basic framework for action. By setting goals and then deciding those that are most important, the Council is defining what it wants to achieve over a given period of time. Otherwise, the Council may find itself floating from issue to issue, crisis to crisis.
  2. Goal setting helps the Council spend its time more wisely. When you know what you are trying to accomplish, you can allocate most of your time to important issues.
  3. Goal setting gives everyone a chance to share their individual goals and priorities and then work out the differences. The Council ends up with a list of goals to which everyone is committed.
  4. Goal setting gives the City Manager clear guidelines to get the job done. It lets the City Manager know exactly what the Council is trying to accomplish as a group. Without clearly defined goals, the City Manager may get conflicting signals and end up not meeting anyone's goals.
  5. Goal setting gives the Council and staff, some important budget guidelines. Knowing what

programs and issues are the highest priorities will enable staff to have a better idea of how to allocate funds when preparing the budget for Council approval.

6. Goal setting gives the Council an evaluation tool. When goals and priorities are set, the Council has valuable data in hand to determine how well the Council and the City Manager did in achieving the agreed upon goals and priorities.

Goal setting will not solve all the immediate problems, nor guarantee that a crisis will not occur; but it will help you get a better idea of what is happening in the City and allow you to define what you want to happen over the long term.

## 2.4 POLICY AND ADMINISTRATION

A dictionary definition of "policy" states that it is "any plan or course of action designed to influence and determine decisions, actions, and other matters." For a City Council, policy is the business of making decisions about the City. Examples of policy decisions include:

- The decision to submit to voters a bond measure for capital improvements.
- The adoption of an ordinance regulating sewer and water operations.
- Approval of land-use policies and implementation procedures.
- Decisions concerning projects which involve federal and state grants as well as local expenditures.

In theory, the distinction between policy and administration has been that policy is the process of determining what is to be done, while administration is the process of determining how to do it. A policy is what the Council defines it to be. However, the day-to-day operation of the various departments is administration. In reality, a fine line exists between policy and administration; any issue that is perceived as important or controversial can become a "policy" matter.

The City Council has the final say in major decisions

such as: adoption of the budget; acceptance of a new classification and compensation plan; selling a bond issue; or instituting a redevelopment project. While it has a dominant role in policy matters, the City Manager, staff and citizens play a prominent role in the development of policies.

The City Council, City Manager, and staff analyze City needs, identify available resources, and suggest courses of action, but the Council has the final say on matters that affect services.

Because the distinction between policy and administration is frequently blurred, tension can result when the City Council, City Manager, and/or staff feels that their area of responsibility is being infringed upon.

Perhaps the best way to prevent conflicts over whether or not something is policy or administration is for the Council and the administrative staff to discuss and attempt to clarify their respective roles and expectations of one another. The result can be a more effective and harmonious partnership.

## 2.5 SERVICES AND RESOURCES

While the electorate expect high quality local government services at minimum cost, the existing social and economical conditions make this increasingly difficult to achieve. Today's City Council is part of an era that requires a variety of strategies for getting by with less.

In difficult fiscal times, it may be necessary to consider cutbacks, reallocations, trade-offs, program terminations, and re-thinking what services the City should provide. However, the continued charge will be to provide the best level of service with the resources that are available.

## 2.6 COMMUNICATION/PUBLIC INPUT

Elected officials not only represent their constituents and make decisions on their constituents' behalf, but they also have the opportunity to communicate with the public.

While some people mistrust government, the City Council can take a leadership role in promoting two-way communication with the public. Citizens' views can be sought in a variety of ways: public meetings;

advisory committees; citizen surveys; and volunteer assistance in City government. Similarly, the Council can express its view by speaking to local civic groups, and working with the press and other news media to provide accurate and up-to-date information.

## **2.7 CONSTITUENT REQUESTS**

Members of the Council will frequently receive requests or complaints. In most cases, the City staff can resolve these problems. The main thing is for the Council Member to get the basic information, and then pass this on to the City Manager for appropriate action. The key to answering constituent requests is to be specific in what the Council Member will do, i.e., promise a timely response, or look personally at the problem, while avoiding a commitment to "fix anything."

## **3. CODE OF ETHICS**

### **3.2 PREAMBLE**

The residents and businesses of Fortuna are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Fortuna City Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

### **3.3 PUBLIC INTEREST**

Council Members will work for the common good of the people of Fortuna and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

## **3.4 CONDUCT**

It is the policy of the City of Fortuna that the members of the Fortuna City Council conduct themselves individually and as a council so that all matters related to the City are conducted in an open, fair, responsible and impartial manner, that all City business be conducted in an orderly and efficient manner, that all governmental policies be made in the proper channels of the government structure, that public offices not be used for personal gain and that the public have confidence in the integrity of its government. Therefore, the following Rules of Conduct shall be observed by each City Council Member.<sup>1</sup>

### **3.4.1 City Manager Form of Government:**

The Council affirms Chapter 2.08 of the Fortuna Municipal Code which provides that the City Manager is the administrative head of the City government and that only the City Manager is authorized to give direction to members of the City Staff.

### **3.4.2 Influence:**

Council Members must recognize that it is important for City Staff, Commissions and Committees to be able to make objective recommendations on items related to the City. Council Members must be certain that any opinions expressed to members of Staff, Commissions and Committees are clearly identified as individual personal opinions, unless official Council action has been taken on the subject in question.

### **3.4.3 City Representation:**

Council Members, simply by being Council Members, are at all times viewed as representatives of the City. The conduct of Council Members is a direct reflection on the City and members should conduct themselves accordingly. Except where specifically authorized by City Council action or for purely ceremonial purposes, no City Council Member should make any statement or appearance or indicate in any way that he or she is representing the city.

### **3.4.4 Confidential Matters:**

At times matters will come before the City Council

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1. Original Council Policy adopted March 16, 1998, amended and adopted into this document June xx, 2011.



which should be kept confidential, such as employee discipline, legal matters, salary negotiations and other matters properly handled in closed meetings. Council Members shall keep such information confidential.

#### **3.4.5 Conflict of Interest:**

Council Members shall abstain from any action which may cause a conflict of interest as defined by State Law, including accepting employment which is incompatible with the proper discharge of official duties, or using the office of City Council in any manner to induce any person or entity to provide anything of value or benefit to themselves or any other person.

#### **3.4.6 Conduct at Meetings:**

It is common, that Council Members may differ on matters and that such differences will be debated. The debate should be limited to the issue and each Council member should refrain from making personal or derogatory remarks.

Council Members shall base their decisions on the merits and substance of the matter submitted for review.

Council Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received ex parte; that is, received from sources outside of the public decision-making process. This insures that all parties, the council, staff, and public, are acting on the same information.

Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.

Council Members shall refrain from campaigning or calling for public action against Council Members during council meetings. Any Council Member who does so is considered out of order and the mayor shall take appropriate action.

Council Members shall refrain from requesting that an item be placed on the agenda after two previous requests have been rejected or denied by consensus or formal vote of the Council.

Any Council Member may move for the Mayor to enforce the parliamentary procedures, and/or the Policies & Procedures Manual of the City Council. A majority vote of the Council shall require the mayor to

so act.

#### **3.4.7 Council Committees:**

From time to time the City Council forms committees of two Council Members. The role and responsibilities of these Council committees shall be determined in an open and public session at the time they are formed.

#### **3.4.8 Compliance with Intent of Council Conduct Code:**

Staff members concerned regarding the propriety of City Council member's interaction with them should confidentially discuss their concerns with the City Manager who shall report to the Mayor. If the Mayor is the Council member in question, the City Manager will report to the Mayor Pro Tem. The Mayor or Mayor Pro Tem shall then confidentially address the issue with the involved Council member so as to assure compliance with the intent of this code. Issues not resolved in this private conference should be brought to the City Council as an agenda item. Issues arising from Council Members themselves shall be addressed directly through the Mayor or the Mayor Pro Tem if the Mayor is the Council Member in question. The process from this point will be the same as described above.

Council Members shall perform their duties in accordance with the policies, processes and rules of order established by the City Council.

### **3.5 CONFLICT OF INTEREST**

#### **3.5.1 Applicable Law.**

There are several laws and legal principles that prohibit public officials from acting in situations in which they might have a conflict of interest. These include Government Code Section 1090 prohibiting contracts in which the official has a financial interest and the doctrine of incompatible offices, which prohibits an official from holding two offices at the same time if doing so might create a clash of loyalties. Even broader in scope, voters in 1974 approved the Political Reform Act.

The statutes (the Political Reform Act of 1974) provide that certain municipal officers must disclose their "economic interests" periodically on forms provided by the Fair Political Practices Commission (FPPC). These municipal officials are members of the City Council (including the Mayor), members of the City Planning Commission, the City Manager, the City Treasurer, and the City Attorney.

Statements of Economic Interests are submitted by these officials to the City Clerk who makes and retains a copy of each statement and forwards the original to the FPPC in Sacramento.

In addition, the City is required to determine which of its other officials, committee members, and employees perform duties that involve potential conflicts of interest. The City has adopted a resolution outlining those positions, called "designated employees." These employees are required to disclose their economic interests. A copy of the Political Reform Act, as amended, is available for review in the City Clerk's office.

Conflict of interest is a complex issue. Council Members should carefully consider and monitor "gifts" from any person or organization whether the gift is financial support, loans, event tickets, or meals. Many of these gifts may need to be reported and may present a conflict of interest when considering and/or voting on projects or issues related to the person presenting the gift. Questions relating to conflict of interest should be directed to the City Attorney or your personal attorney.

The rules relating to conflicts of interest are set forth in the Political Reform Act (PRA) (Government Code Sections 81000 and following) and case law. They are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution to individual Council Members.

Finally, with certain limited exceptions, officers and employees of the Redevelopment Agency are prohibited from acquiring any interest in real property located within a redevelopment project area if the person is required to participate in formulating or approving plans or policies for the redevelopment project.

### **3.5.2 Sources of Assistance.**

The Fair Political Practices Commission (FPPC) is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a "hotline" that a Council Member may call for informal advice. The City Attorney is available for consultation, but the City Attorney's advice on conflicts matters cannot provide a Council Member with any immunity from

prosecution. Most conflict of interest questions ultimately turn on whether it is reasonably foreseeable that the decision will have a "material financial effect" on the Council Member's economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the City Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a formal written opinion from the FPPC provides immunity from prosecution for violations of the conflict of interest rules. The City Attorney is available to assist with preparing a request for a formal opinion.

### **3.5.3 Identifying Conflicts**

It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify staff prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

### **3.5.4 General Rules**

Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.